

CITY OF NORMAN, OK CITY COUNCIL REGULAR MEETING

Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069
Tuesday, November 14, 2023 at 6:30 PM

AMENDED AGENDA

It is the policy of the City of Norman that no person or groups of persons shall on the grounds of race, color, religion, ancestry, national origin, age, place of birth, sex, sexual orientation, gender identity or expression, familial status, marital status, including marriage to a person of the same sex, disability, relation, or genetic information, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination in employment activities or in all programs, services, or activities administered by the City, its recipients, sub-recipients, and contractors. In the event of any comments, complaints, modifications, accommodations, alternative formats, and auxiliary aids and services regarding accessibility or inclusion, please contact the ADA Technician at 405-366-5424, Relay Service: 711. To better serve you, five (5) business days' advance notice is preferred.

CITY COUNCIL, NORMAN UTILITIES AUTHORITY, NORMAN MUNICIPAL AUTHORITY, AND NORMAN TAX INCREMENT FINANCE AUTHORITY

You are required to sign up in advance of the meeting on the City's webpage, by calling the City Clerk's Office (405-366-5406), or at the Council Chambers prior to the start of the meeting with your name, ward, and item you wish to speak to including whether you are a proponent or opponent. When the time comes for public comments, the Clerk will call your name and you can make your way to the podium. Comments may be limited on items of higher interest, if so, the Mayor will announce that at the beginning of the meeting. Participants may speak one time only up to 3 minutes per person per item. There will be no yielding of time to another person. Sign up does not guarantee you will get to speak if the allotted time for that item has already been exhausted. If there is time remaining after those registered to speak have spoken, persons not previously signed up may have the opportunity to speak. Comments received must be limited to the motion on the floor only.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE MINUTES AS FOLLOWS:

CITY COUNCIL SPECIAL SESSION MINUTES OF APRIL 20, 2021
CITY COUNCIL SPECIAL MEETING MINUTES OF AUGUST 1, 2023
CITY COUNCIL SPECIAL MEETING MINUTES OF AUGUST 8, 2023
FINANCE COMMITTEE MEETING MINUTES OF OCTOBER 19, 2023

AWARDS AND PRESENTATIONS

2. PRESENTATION OF A CIVILIAN SERVICE MEDAL AND CERTIFICATE TO MS. KAYLEE MCKINNEY AND MS. KEIANNA CROSS FOR THEIR EXEMPLARY ASSISTANCE TO FIRST RESPONDERS.

PROCLAMATIONS

3. CONSIDERATION OF ACKNOWLEDGEMENT, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF PROCLAMATION P-2324-15: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF DECEMBER, 2023, AS NATIONAL IMPAIRED DRIVING PREVENTION MONTH IN THE CITY OF NORMAN.
4. CONSIDERATION OF ACKNOWLEDGEMENT, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF PROCLAMATION P-2324-16: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SATURDAY, NOVEMBER 25TH, 2023 AS SMALL BUSINESS SATURDAY IN THE CITY OF NORMAN.

COUNCIL ANNOUNCEMENTS

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 35 be placed on the consent docket.

First Reading Ordinance

5. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-14 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE CITY OF NORMAN, OKLAHOMA AMENDING SECTION 533 (“FH, FLOOD HAZARD DISTRICT”) OF THE ZONING ORDINANCE, TO REVISE AND ADD DEFINITIONS TO SUBPART (C) (“DEFINITIONS”), TO ALLOW FOR “CUMULATIVE COST” TO BE ACCOUNTED FOR IN DETERMINING “SUBSTANTIAL IMPROVEMENTS” AND TO DEFINE “MARKET VALUE”; AND PROVIDING FOR THE SEVERABILITY THEREOF.

6. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-16 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE THE NORTH HALF (N/2) OF THE NORTHEAST QUARTER (NE/4) OF SECTION SIXTEEN (16), TOWNSHIP NINE (9) NORTH, RANGE TWO (2) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, AND THE NORTHWEST QUARTER (NW/4) OF SECTION TEN (10), TOWNSHIP NINE (9) NORTH, RANGE TWO (2) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE A-2, RURAL AGRICULTURAL DISTRICT, AND PLACE SAME IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (SOUTHWEST CORNER OF 24TH AVENUE N.E. AND TECUMSEH ROAD)
7. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-17 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF CHAPTER 36 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE LOTS THIRTY-FOUR (34), THIRTY-FIVE (35), THIRTY-SIX (36), THIRTY-SEVEN (37), AND THIRTY-EIGHT (38) OF THE STATE UNIVERSITY ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE CCFBC, CENTER CITY FORM-BASED CODE, AND PLACE SAME IN THE CCPUD, CENTER CITY PLANNED UNIT DEVELOPMENT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (305 E. BOYD STREET)
8. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-18 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF CHAPTER 36 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE LOTS TWENTY-EIGHT (28), TWENTY-NINE (29), THIRTY (30) AND THIRTY-ONE (31) OF STATE UNIVERSITY ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE CCFBC, CENTER CITY FORM-BASED CODE, AND PLACE SAME IN THE CCPUD, CENTER CITY PLANNED UNIT DEVELOPMENT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (221 E. BOYD STREET)
9. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-19 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE LOT 8A, IN BLOCK SIXTEEN (16), AND THE WEST HALF (W/2) OF VACATED JULIA STREET, OF J.A. JONES ADDITION TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT, AND PLACE SAME IN THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (119 AND 117 E. ACRES STREET)

10. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-24 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-552, FENCING, WALLS AND SCREENING, OF CHAPTER 36, ZONING, OF THE CODE OF THE CITY OF NORMAN, TO ALLOW FOR ADMINISTRATIVE REVIEW AND APPROVAL OF REQUESTS FOR VARIATIONS IN FENCE HEIGHT IN THE A-1, GENERAL AGRICULTURAL DISTRICT, A-2, RURAL AGRICULTURAL DISTRICT, AND RE, RESIDENTIAL ESTATE DWELLING DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Reports/Communications

11. CONSIDERATION OF ACKNOWLEDGEMENT, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE CITY MANAGER'S CONTRACT AND CHANGE ORDER REPORT.

12. CONSIDERATION OF ACKNOWLEDGEMENT, APPROVAL, REJECTION, AMENDMENT, AND/OR REJECTION OF RECEIPT OF THE CITIZENS PUBLIC SAFETY SALES TAX OVERSIGHT COMMITTEE ANNUAL REPORT FOR FYE 2023.

Request for Payment

13. CONSIDERATION OF APPROVAL, ACCEPTANCE REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF A COURT ORDER: A RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF \$19,440.00 REGARDING RICKEY J. GOURLEY II VS. THE CITY OF NORMAN, OKLAHOMA WORKERS' COMPENSATION COMMISSION CASE 2022-06328 E.

14. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF A REQUEST FROM THE NORMAN HOUSING AUTHORITY TO WAIVE THE PAYMENT IN LIEU OF TAXES (PILOT) IN THE AMOUNT OF \$23,070.76, FOR FISCAL YEAR ENDING (FYE) 2023.

Acceptance of Funds

15. CONSIDERATION OF ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF A REBATE PAYMENT IN THE AMOUNT OF \$348 FROM THE PEPSI BEVERAGES COMPANY TO THE NORMAN MUNICIPAL AUTHORITY FOR THE EXCLUSIVE SALE OF PEPSI PRODUCTS AT THE WESTWOOD GOLF COURSE AND WESTWOOD FAMILY AQUATIC CENTER AND BUDGET TRANSFER AS OUTLINED IN THE STAFF REPORT.

Easement

16. CONSIDERATION FOR APPROVAL, GRANTING, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EASEMENT E-2324-30: TO OKLAHOMA GAS AND ELECTRIC COMPANY FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO THE NORMAN EMERGENCY COMMUNICATIONS AND OPERATIONS CENTER AT 2801 EAST ROBINSON STREET.

Final Plat

17. CONSIDERATION OF ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF FP-2324-6 FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR FOOD AND SHELTER, SECTION 2, A PLANNED UNIT DEVELOPMENT. (GENERALLY LOCATED APPROXIMATELY 680 FEET SOUTH OF EAST MAIN STREET ON THE EAST SIDE OF REED AVENUE).
18. CONSIDERATION FOR ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF FP-2324-7 FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR MCCOOP ABODE, A SIMPLE PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED SOUTH OF WEST LINDSEY STREET ON THE EAST SIDE OF SOUTH BERRY ROAD (1309 SOUTH BERRY ROAD).
19. CONSIDERATION OF ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF FP-2324-8 FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR NORMAN REGIONAL HEALTH SYSTEM PORTER CAMPUS, SECTION, A PLANNED UNIT DEVELOPMENT. GENERALLY LOCATED A QUARTER OF A MILE SOUTH OF EAST ROBINSON STREET AND ON THE WEST SIDE OF NORTH FINDLAY AVENUE.

Contracts

20. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF AMENDMENT NO. ONE TO CONTRACT K-2223-19: BY AND BETWEEN THE CITY OF NORMAN AND MESHEK AND ASSOCIATES, LLC, INCREASING THE AMOUNT BY \$7,500 FOR BRIC GRANT APPLICATION SERVICES FOR THE FLOOD WARNING SYSTEM SCOPING PROJECT FOR A REVISED AMOUNT OF \$107,500 AS OUTLINED IN THE STAFF REPORT.
21. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF CHANGE ORDER NO. TWO TO CONTRACT K-2223-118: BY AND BETWEEN THE CITY OF NORMAN UTILITIES AUTHORITY AND KRAPFF-REYNOLDS CONSTRUCTION CO., IN THE AMOUNT OF \$18,893 AND A TIME EXTENSION OF 90 CALENDAR DAYS, TO BE CHARGED TO THE PROJECT ACCOUNT AS OUTLINED IN STAFF REPORT.
22. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CHANGE ORDER NO. TWO TO CONTRACT K-2324-2: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND ARROYO'S CONCRETE LLC. INCREASING THE CONTRACT AMOUNT BY \$196,357 FOR A REVISED CONTRACT AMOUNT OF \$535,044.50 FOR THE ADDITION OF 54 BUS STOPS TO THE FYE 2023 SIDEWALK CONCRETE PROJECTS AND BUDGET APPROPRIATION AS OUTLINED IN THE STAFF REPORT.

23. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AND/OR POSTPONEMENT OF AWARDED BID 2324-21, CONTRACT K-2324-70: BY AND BETWEEN THE CITY OF NORMAN UTILITIES AUTHORITY AND KRAPFF-REYNOLDS CONSTRUCTION CO. IN THE AMOUNT OF \$5,468,900.50, PERFORMANCE BOND B-2324-34, STATUTORY BOND B-2324-35, AND MAINTENANCE BOND MB-2324-23, FOR PROJECT WW0321, SEWER MAINTENANCE PROJECT (SMP) – 19, AND THE TRANSFER OF FUNDS AS OUTLINED IN THE STAFF REPORT.
24. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-74: AN AGREEMENT BETWEEN THE CITY OF NORMAN AND THE CENTER FOR CHILDREN AND FAMILIES TO OPERATE AND PROVIDE BOYS AND GIRLS CLUB PROGRAMMING AT THE REAVES PARK CENTER.
25. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF AMENDMENT ONE TO CONTRACT K-2324-76: AN AMENDMENT TO AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF NORMAN, OKLAHOMA, THE NORMAN UTILITIES AUTHORITY, THE NORMAN MUNICIPAL AUTHORITY, THE NORMAN TAX INCREMENT FINANCE AUTHORITY, AND THE NORMAN ECONOMIC DEVELOPMENT AUTHORITY AND SHAAKIRA CALNICK, AMENDING THE START DATE OF EMPLOYMENT AND MODIFYING THE ONSET OF CERTAIN REMEDIES.
26. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF CONTRACT K-2324-93: AN AGREEMENT BETWEEN THE CITY OF NORMAN, OKLAHOMA AND THE BOARD OF COUNTY COMMISSIONERS, CLEVELAND COUNTY, OKLAHOMA FOR A COOPERATIVE INTERLOCAL AGREEMENT FOR THE MAINTENANCE, CONSTRUCTION, AND REPAIR OF SECTION LINE ROADS, SHARED MOWING RESPONSIBILITIES, AND PROVIDING FOR CERTAIN ON-CALL SERVICES DURING INCLEMENT WEATHER.
27. CONSIDERATION FOR APPROVAL, ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-101: BETWEEN THE CITY OF NORMAN AND MCAFEE TAFT FOR CONTINGENCY REPRESENTATION OF NORMAN IN MULTI-DISTRICT LITIGATION FOR THE CLASS ACTION LITIGATION REGARDING DAMAGES FROM PFAS CHEMICALS.

Resolutions

28. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-78: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING JOINT PETITION SETTLEMENT OF THE CLAIM FILED BY JONATHAN C. STAMPER UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF *JONATHAN C. STAMPER V. THE CITY OF NORMAN*, WORKERS' COMPENSATION COMMISSION CASE 2022-03706 J; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COMMISSION, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COMMISSION JUDGMENT FROM THE RISK MANAGEMENT INSURANCE FUND.
29. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF RESOLUTION R-2324-80: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AND THE NORMAN MUNICIPAL AUTHORITY TRANSFERRING \$37,609.76 FROM THE REIMBURSEMENTS-REFUNDS-MISCELLANEOUS GENERAL ACCOUNT TO BE USED FOR THE SENIOR WELLNESS CENTER PROJECT.
30. CONSIDERATION OF ADOPTION, REJECTION, POSTPONEMENT AND/OR AMENDMENT OF RESOLUTION R-2324-81: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN ESTABLISHING AN AFFORDABLE HOUSING COMMUNITY REVITALIZATION PLAN TO ENCOURAGE THE DEVELOPMENT OF AFFORDABLE HOUSING THROUGHOUT THE CITY OF NORMAN.
31. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-82: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, GIVING THE SECRETARY OF THE CLEVELAND COUNTY ELECTION BOARD NOTICE OF 2024 MUNICIPAL AND MUNICIPAL RUNOFF ELECTIONS.
32. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-86: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING THAT THE CITY COUNCIL, NORMAN MUNICIPAL AUTHORITY, NORMAN UTILITIES AUTHORITY AND NORMAN TAX INCREMENT FINANCE AUTHORITY MEETING SCHEDULED FOR DECEMBER 26, 2023, SHALL BE CANCELLED.

Settlements

33. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT: OF RECOMMENDATION FROM THE CITY ATTORNEY THAT THE CITY COUNCIL APPROVE A SETTLEMENT OF BRITTANY REID, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF MARCONIA LYNN KESSEE V. CLEVELAND COUNTY BOARD OF COUNTY COMMISSIONERS, ET AL, UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA COURT CASE CIV-2019-113, IN THE AMOUNT OF \$650,000.

Special Claims

34. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF SPECIAL CLAIM SC-2324-1: GIVING SETTLEMENT AUTHORITY TO THE CITY MANAGER FOR A CLAIM SUBMITTED BY HOYT HALLFORD, JR., FOR REPAIR AND RENTAL CAR EXPENSES RELATING TO DAMAGES HIS CAR RECEIVED WHEN IT WAS STRUCK BY A POLICE DEPARTMENT VEHICLE ON OCTOBER 19, 2023, AT STATE HIGHWAY 9 AND JUANITA LANE.

35. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF SPECIAL CLAIM SC-2324-2: SUBMITTED BY GERMAN VALENCIANO, IN THE TOTAL AMOUNT OF \$16,021.44, FOR EXPENSES INCURRED WHEN HIS CAR WAS STRUCK BY A CITY TRAFFIC CONTROL DIVISION VEHICLE ON OCTOBER 4, 2023, AT 1720 WEST LINDSEY STREET.

NON-CONSENT ITEMS

36. CONSIDERATION OF ADOPTION, REJECTION AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-11: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN SO AS TO REMOVE PART OF SOUTHWEST QUARTER (SW/4) OF SECTION TWO (2), TOWNSHIP NINE (9) NORTH, RANGE THREE (3) WEST OF THE INDIAN MERIDIAN (I.M.), CLEVELAND COUNTY, OKLAHOMA, FROM THE FUTURE URBAN SERVICE AREA AND PLACE THE SAME IN THE CURRENT URBAN SERVICE AREA, AND FROM MEDIUM DENSITY RESIDENTIAL DESIGNATION AND PLACE THE SAME IN THE MIXED USE DESIGNATION, AND REMOVE FROM SPECIAL PLANNING AREA FIVE (5). (Northeast Corner of 36th Avenue N.W. and Franklin Road)

37. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF ORDINANCE O-2324-1 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWO (2), TOWNSHIP NINE (9) NORTH, RANGE THREE (3) WEST OF THE INDIAN MERIDIAN, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE A-2, RURAL AGRICULTURAL DISTRICT, AND PLACE THE SAME IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (Northeast corner of 36th Avenue N.W. and Franklin Road)
38. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF PP-2324-5: A PRELIMINARY PLAT FOR FRANKLIN WOODS ADDITION, A PLANNED UNIT DEVELOPMENT. (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF 36TH AVENUE NW AND WEST FRANKLIN ROAD).
39. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF ORDINANCE O-2324-22 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION FOUR (4), TOWNSHIP EIGHT (8) NORTH, RANGE TWO (2) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND PLACE SAME IN THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (NORTHEAST CORNER OF OAKHURST AVENUE AND EAST IMHOFF ROAD)
40. CONSIDERATION OF ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF PP-2324-7: A PRELIMINARY PLAT FOR CRIMSON FLATS ADDITION, A SIMPLE PLANNED UNIT DEVELOPMENT. (GENERALLY LOCATED AT THE NORTHEAST CORNER OF IMHOFF ROAD AND OAKHURST AVENUE).
41. CONSIDERATION OF ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF CONTRACT K-2324-94: A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF NORMAN OKLAHOMA AND MILESTONE PROPERTY DEVELOPMENT, LLC, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY DOCUMENTS ON BEHALF OF THE CITY OF NORMAN TO EFFECTUATE THE TRANSACTIONS, INCLUDING ISSUANCE OF LETTERS OF COMMITMENT RELATING TO THE TRANSACTION AND BUDGET TRANSFER.

42. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF PP-2122-2: A PRELIMINARY PLAT FOR DESTIN LANDING ADDITION, A PLANNED UNIT DEVELOPMENT (GENERALLY LOCATED SOUTH OF CEDAR LANE ROAD AND ONE-QUARTER MILE WEST OF 36TH AVENUE SE).
43. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-31: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND FARZANEH DEVELOPMENT, LLLP, AUTHORIZING COLLECTION OF A MONTHLY LIFT STATION FEE FROM DEVELOPED LOTS IN THE DESTIN LANDING DEVELOPMENT FOR THE OPERATION, MAINTENANCE AND REPLACEMENT OF THE DESTIN LANDING LIFT STATION AS OUTLINED IN THE STAFF REPORT.
44. CONSIDERATION OF ADOPTION, APPROVAL, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF RESOLUTION R-2324-89: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA DECLARING THE INTENT TO CONSIDER APPROVAL OF A PROJECT PLAN AND CREATION OF ONE OR MORE TAX INCREMENT DISTRICTS UNDER THE LOCAL DEVELOPMENT ACT; DIRECTING PREPARATION OF A PROJECT PLAN; APPOINTING A REVIEW COMMITTEE; DIRECTING THE REVIEW COMMITTEE TO MAKE FINDINGS AS TO ELIGIBILITY AND FINANCIAL IMPACT, IF ANY, ON TAXING JURISDICTIONS AND BUSINESS ACTIVITIES WITHIN THE DISTRICT; AND DIRECTING THE REVIEW COMMITTEE TO MAKE A RECOMMENDATION WITH RESPECT TO THE PROPOSED PROJECT.
45. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF RESOLUTION R-2324-70: A RESOLUTION OF THE CITY OF THE COUNCIL OF THE CITY OF NORMAN, APPROPRIATING \$900,995 FROM THE GENERAL FUND BALANCE FOR THE EXPANSION OF THE SCHOOL RESOURCE OFFICER PROGRAM.
46. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF AMENDMENT NO. ONE TO RESOLUTION R-2324-52: AN AMENDMENT TO A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA CREATING AN AD HOC STEERING COMMITTEE TO WORK WITH THE CITY OF NORMAN'S CONSULTANTS IN THE CREATION OF THE CITY'S AREA AND INFRASTRUCTURE MASTER PLAN ("AIM NORMAN") TO NAME A REPLACEMENT FOR A STEERING COMMITTEE MEMBER, ACKNOWLEDGING THE ADDITION OF THE PARKS AND RECREATION MASTER PLAN, ADDING TO THE LIST OF PARTNERS, CLARIFYING THE PROCESS OF SELECTION OF SUBCOMMITTEE MEMBERS, AND SETTING FORTH ATTENDANCE REQUIREMENTS FOR STEERING COMMITTEE MEMBERS.

MISCELLANEOUS COMMENTS

This is an opportunity for citizens to address City Council. Due to Open Meeting Act regulations, Council is not able to participate in discussion during miscellaneous comments. Remarks should be directed to the Council as a whole and limited to three minutes or less.

ADJOURNMENT

File Attachments for Item:

1. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE MINUTES AS FOLLOWS:

CITY COUNCIL SPECIAL SESSION MINUTES OF APRIL 20, 2021

CITY COUNCIL SPECIAL MEETING MINUTES OF AUGUST 1, 2023

CITY COUNCIL SPECIAL MEETING MINUTES OF AUGUST 8, 2023

FINANCE COMMITTEE MEETING MINUTES OF OCTOBER 19, 2023



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: Brenda Hall, City Clerk

PRESENTER: Brenda Hall, City Clerk

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE MINUTES AS FOLLOWS:

CITY COUNCIL SPECIAL SESSION MINUTES OF APRIL 20, 2021

CITY COUNCIL SPECIAL MEETING MINUTES OF AUGUST 1, 2023

CITY COUNCIL SPECIAL MEETING MINUTES OF AUGUST 8, 2023

FINANCE COMMITTEE MEETING MINUTES OF OCTOBER 19, 2023

CITY COUNCIL SPECIAL SESSION MINUTES

April 20, 2021

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Special Session virtually via Zoom on the 20th day of April, 2021, at 5:00 p.m., and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT:

Councilmembers Bierman, Foreman,
Hall, Holman, Nash, Peacock,
Petroni, Mayor Clark

ABSENT:

None

The Pledge of Allegiance was led by Mayor Clark.

* * * * *

Item 3, being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 §307(B)(4) TO DISCUSS PENDING LITIGATION IN THE CASE OF FRATERNAL ORDER OF POLICE, LODGE NO. 122, VS. CITY OF NORMAN, CASE NO. CJ-2020-661 AND SUPREME COURT CASE SC-119296.

Item 3 was not considered.

* * * * *

Item 4, being:

CONSIDERATION OF RATIFYING OR REJECTING THE JUNE 16, 2020, ADOPTION OF THE FYE 2021 CITY OF NORMAN PROPOSED OPERATING AND CAPITAL BUDGETS.

Councilmember Holman having moved in City Council's meeting of June 16, 2020, that the FYE 2021 City of Norman Operating and Capital Budgets, as amended, be adopted, which motion having been duly seconded by Councilmember Bierman;

Items submitted for the record

1. Text File GID-1920-111 dated June 12, 2020, by Anthony Francisco, Finance Director
2. City of Norman, Oklahoma, Fiscal Year Ending 2021 Annual Budget Summary of Fund Balances
3. The City of Norman, Oklahoma, Fiscal Year Ending June 30, 2021, Budget and Financial Plan, Fiscal Year-End 2020-2023 (Preliminary)
4. The City of Norman, Oklahoma, Capital Improvement Projects Budget, Fiscal Year Ending June 30, 2019, Financial Plan, Fiscal Year-End 2022-2025

Thereupon, Councilmember Hall moved that the amendment for the FYE 2021 City of Norman Budget for the addition of \$5.1 million in projected Federal Transit Administration grant revenue provided by the Coronavirus Aid, Relief and Economic Security Act, to the Transportation and Parking Fund, and that the grant reimbursement revenues be appropriated and allocated in the Capital Improvements Projects Fund for the Fire/Transit Maintenance Facility Project be ratified, which motion duly seconded by Councilmember Bierman, and the question being upon ratifying the FYE 2021 City of Norman Budget amended as stated above, a vote was taken with the following result:

Item 4, continued:

AYES:

Councilmembers Bierman, Foreman,
Hall, Holman, Nash, Peacock,
Petroni, Mayor Clark

NAYES:

None

The Mayor declared the motion carried and the FYE 2021 City of Norman Budget amendment was ratified as stated above.

Thereupon, Councilmember Hall moved that the increase in Citywide allocations for health and dental benefit insurance contributions by \$683,940, and an offsetting increase in Risk Management Fund internal service revenue and employee contributions be ratified, which motion was duly seconded by Councilmember Holman; and the question being upon ratifying the FYE 2021 City of Norman Budget amendment as stated above, a vote was taken with the following result:

AYES:

Councilmembers Bierman, Foreman,
Hall, Holman, Nash, Peacock,
Petroni, Mayor Clark

NAYES:

None

The Mayor declared the motion carried and the FYE 2021 City of Norman Budget amendment was ratified as stated above.

Thereupon, Councilmember Hall moved that the decrease in Capital Improvement Project Fund allocations in the Street Maintenance category by \$1,805,377 be ratified, which motion was duly seconded by Councilmember Holman; and the question being upon ratifying the FYE 2020 City of Norman Budget amendment as stated above, a vote was taken with the following result:

AYES:

Councilmembers Bierman, Foreman,
Hall, Holman, Nash, Peacock,
Petroni, Mayor Clark

NAYES:

None

The Mayor declared the motion carried and the FYE 2021 City of Norman Budget amendment was ratified as stated above.

Thereupon, Councilmember Holman moved that the increase in Capital Improvement Project Fund allocations by \$850,000 to fund a Public Transit Transfer Facility be ratified, which motion was duly seconded by Councilmember Hall; and the question being upon ratifying the FYE 2021 City of Norman Budget amendment as stated above, a vote was taken with the following result:

AYES:

Councilmembers Bierman, Foreman,
Hall, Holman, Nash, Petroni,
Peacock, Mayor Clark

NAYES:

None

The Mayor declared the motion carried and the FYE 2021 City of Norman Budget amendment was ratified as stated above.

Item 4, continued:

Thereupon, Councilmember Hall moved that the increase in Capital Improvement Project Fund allocations by \$250,000 to fund a Strategic Housing Study be ratified, which motion was duly seconded by Councilmember Holman; and the question being upon ratifying the FYE 2021 City of Norman Budget amendment as stated above, a vote was taken with the following result:

AYES:

Councilmembers Bierman, Foreman,
Hall, Holman, Nash, Peacock,
Petrone, Mayor Clark

None

NAYES:

The Mayor declared the motion carried and the FYE 2021 City of Norman Budget amendment was ratified as stated above.

Thereupon, Councilmember Hall moved that the increase in Capital Improvement Project Fund allocations by \$184,000 to expand the School and Arterial Road Sidewalk Program be ratified, which motion was duly seconded by Councilmember Holman; and the question being upon ratifying the FYE 2021 City of Norman Budget amendment as stated above, a vote was taken with the following result:

AYES:

Councilmembers Bierman, Foreman,
Hall, Holman, Nash, Peacock,
Petrone, Mayor Clark

None

NAYES:

The Mayor declared the motion carried and the FYE 2021 City of Norman Budget, as amended, was further amended as stated above.

Thereupon, Councilmember Foreman moved that the authorization for all grammatical and typographical corrections that have no financial impact be ratified, which motion was duly seconded by Councilmember Holman; and the question being upon ratifying the FYE 2021 City of Norman Budget amendment as stated above, a vote was taken with the following result:

AYES:

Councilmembers Bierman, Foreman,
Hall, Holman, Nash, Peacock,
Petrone, Mayor Clark

None

NAYES:

The Mayor declared the motion carried and the FYE 2021 City of Norman Budget amendment was ratified as stated above.

Thereupon, Councilmember Hall moved that the increase in Transportation and Parking Fund allocations by \$24,377 for public transit-related personnel services and an offsetting increase to the General Fund Transfer to the Transportation and Parking Fund be ratified, which motion was duly seconded by Councilmember Holman; and the question being upon ratifying the FYE 2021 City of Norman Budget amendment as stated above, a vote was taken with the following result:

AYES:

Councilmembers Bierman, Foreman,
Hall, Holman, Nash, Peacock,
Petrone, Mayor Clark

None

NAYES:

The Mayor declared the motion carried and the FYE 2021 City of Norman Budget amendment was ratified as stated above.

Item 4, continued:

Thereupon, Councilmember Holman moved that the increase in Community Development Block Grant Fund allocations by \$55,072 for additional personnel for homeless services provisions be ratified, which motion was duly seconded by Councilmember Hall;

Participants in discussion

1. Mr. Michael Blunck, Ward 2, made comments

and the question being upon ratifying the FYE 2021 City of Norman Budget amendment as stated above, a vote was taken with the following result:

AYES:

Councilmembers Bierman, Foreman,
Hall, Holman, Nash, Peacock,
Petroni, Mayor Clark

NAYES:

None

The Mayor declared the motion carried and the FYE 2021 City of Norman Budget amendment was ratified as stated above.

Thereupon, Councilmember Hall moved that the increase in General Fund allocations to the City Manager Department by \$5,014 for an expansion of City Diversity and Equity programs be ratified, which motion was duly seconded by Councilmember Foreman; and the question being upon ratifying the FYE 2021 City of Norman Budget amendment as stated above, a vote was taken with the following result:

AYES:

Councilmembers Bierman, Foreman,
Hall, Holman, Nash, Peacock,
Petroni, Mayor Clark

NAYES:

None

The Mayor declared the motion carried and the FYE 2021 City of Norman Budget amendment was ratified as stated above.

Thereupon, Councilmember Holman moved that the reduction of projected sales tax revenue in the General Fund by \$1,007,474; in the Public Safety Sales Tax Fund by \$309,814; and in the Capital Improvement Projects Fund be ratified, which motion was duly seconded by Councilmember Hall;

Participants in discussion

1. Ms. Cynthia Rogers, protestant
2. Mr. Stephen Ellis, proponent
3. Mr. Anthony Francisco, Finance Director
4. Mr. Darrel Pyle, City Manager
5. Ms. Kathryn Walker, City Attorney

and the question being upon ratifying the FYE 2021 City of Norman Budget amendment as stated above, a vote was taken with the following result:

AYES:

Councilmembers Bierman, Foreman,
Hall, Holman, Nash, Peacock,
Petroni, Mayor Clark

NAYES:

None

The Mayor declared the motion failed and the FYE 2021 City of Norman Budget amendment was ratified as stated above.

Item 4, continued:

Thereupon, Councilmember Bierman moved that the decrease of \$300,000 in Police Patrol, and increase of \$300,000 to be used for Community Outreach and Programs be ratified, which motion was duly seconded by Councilmember Holman,

Participants in discussion

1. Mr. Stephen Ellis, 633 Reed Avenue, proponent
2. Mr. Michael Graff, proponent
3. Ms. Sarah Wampker, proponent
4. Ms. Larla Turner, proponent
5. Mr. Tom McFarland, Ward 5, proponent
6. Ms. Brandi Studley, proponent
7. Mr. Robert Castleberry, protestant
8. Ms. Elaine Wilkinson, Ward 4, protestant
9. Mr. Scott Dixon, protestant
10. Mr. Frank Kump, protestant
11. Mr. Kelly Lynn, Ward 3, protestant
12. Ms. Sue Bond, Ward 2, protestant

and the question being upon ratifying the FYE 2021 City of Norman Budget amendment as stated above, a vote was taken with the following result:

AYES:

Councilmembers Bierman, Hall,
Holman, Nash, Petrone, Mayor Clark

NAYES:

Councilmembers Foreman and
Peacock

The Mayor declared the motion carried and the FYE 2021 City of Norman Budget amendment was ratified as stated above.

Thereupon, Councilmember Bierman moved that the decrease of \$235,000 in Police Department General Fund salaries and benefits to provide for the implementation of an internal auditor program be ratified, which motion was duly seconded by Councilmember Holman;

Participants in discussion

1. Mr. Wesley Harold Martin, Ward 6, protestant
2. Mr. Robert Wasowski, Ward 3, protestant
3. Ms. Teresa Borum, protestant
4. Ms. Elaine Wilkinson, Ward 4, protestant
5. Mr. Kelly Lynn, Ward 3, protestant
6. Ms. Sue Bond, Ward 2, protestant
7. Mr. Stephen Ellis, proponent
8. Mr. Michael Graff, proponent
9. Mr. Michael Blunck, Ward 2, proponent
10. Ms. Marguerite Larson, Ward 6, proponent
11. Ms. Larla Turner, Ward 1, proponent
12. Ms. Brandi Studley, proponent

and the question being upon ratifying the FYE 2021 City of Norman Budget amendment as stated above, a vote was taken with the following result:

AYES:

Councilmembers Bierman, Hall,
Holman, Nash, Petrone

NAYES:

Councilmembers Foreman, Peacock,
Mayor Clark

The Mayor declared the motion carried and the FYE 2021 City of Norman Budget amendment was ratified as stated above.

Item 4, continued:

Thereupon, Councilmember Holman moved that the decrease of \$330,000 in Police Department General Fund salaries and benefits to be held in the General Fund Reserve Balance to be used for Community Outreach and Programs, which motion was duly seconded by Councilmember Bierman;

Participants in discussion

1. Ms. Sarah Wampker, proponent
2. Mr. Jake Allen, proponent
3. Ms. Brandi Studley, proponent
4. Mr. Michael Blunck, proponent
5. Ms. Teresa Borum, protestant
6. Ms. Marguerite Larson, Ward 6, proponent
7. Ms. Elaine Wilkerson, Ward 4, protestant

and the question being upon ratifying the FYE 2021 City of Norman Budget amendment as stated above, a vote was taken with the following result:

AYES:

Councilmembers Bierman, Hall,
Holman, Nash, Petrone, Mayor Clark

NAYES:

Councilmembers Foreman and
Peacock

The Mayor declared the motion carried and the FYE 2021 City of Norman Budget amendment was ratified as stated above.

and the question being upon adopting the FYE 2021 City of Norman Operating and Capital Budgets, as amended, a vote was taken with the following result:

AYES:

Councilmembers Bierman, Foreman,
Hall, Holman, Nash, Peacock,
Petrone, Mayor Clark

NAYES:

None

The Mayor declared the motion carried and the FYE 2021 City of Norman Operating and Capital Budgets, as amended, was adopted.

* * * * *

Item 5, being:

DISCUSSION REGARDING THE PROPOSED FYE 2022 CITY OF NORMAN BUDGET – BUDGET OVERVIEW, GENERAL FUND, AND SPECIAL REVENUE FUNDS.

Mr. Anthony Francisco, Director of Finance, said the budget document is the most important document the City prepares and is a policy document that is also the financial plan for the City, the departmental operations guide, and a communications device for the public. He said budget discussions begin in November with a mid-year review in January of each year. He said a Capital Budget Study Session was held November 17, 2020; a Finance Committee Mid-Year Budget Review was held February 18, 2021; a Capital Budget Study Session was held February 18, 2021; tonight Council will be presented an overview of the General and Special Revenue Fund Budgets; a Public Budget Hearing will be held April 27, 2021; a Council Budget Study Session for Capital Funds will be held May 4, 2021; a Council Study Session for Enterprise Funds will be held May 18, 2021; a Public Budget Hearing will be held May 25, 2021; a Council Budget Study Session for optional follow-up will be held June 1, 2021; Council considers Budget for adoption on June 15, 2021; and FYE 2021-2022 begins July 1, 2021.

Item 5, continued:

Mr. Francisco said the budget document is formatted to lead with a summarized detail and continues into greater detail. He encouraged everyone to read the City Manager's letter in the document because it provides a brief background of everything in the budget proposal. He said the budget also contains frequently asked questions (FAQ) such as the number of City employees; Norman's population; Rainy Day Fund balance; progression of NORMAN FORWARD Projects; etc. The budget also contains organizational charts; sales tax history; unemployment rates; sales tax distribution charts; projected revenues; projected expenditures; property tax distribution charts; revenues by source; expenditures by department; goals and objectives; and a glossary. He said looking forward, this is a plan, but in the current year it is a budget.

Mr. Francisco said Net Revenue Stabilization Fund policies and assumptions adopted in Ordinance O-1011-58 and amended in Ordinance O-1819-10 includes a minimum 3% General Fund operating reserve, 1% General Fund emergency reserve, and 4% Rainy Day Fund. The Rainy Day Fund is a savings account to be used for emergency purposes only and has a targeted growth of 5% with a maximum of 6%. The City must have a minimum total reserve level of 8% and a maximum total reserve level of 10% in General Fund expenditures. He said Council cannot appropriate from the Rainy Day Fund balance unless the General Fund balance falls below 1%, the emergency reserve allocation can be spent on a federal or state declared disaster or a one-time major repair/replacement. He said the Rainy Day Fund is currently above minimum, but short of the targeted level.

FYE 2022 projected total revenues of \$284,979,608 include General Sales Tax – 26.7%; Other Taxes - \$9.8%; Capital Improvement Tax – 4.9%; Sewer Excise Tax – 0.5%; Sewer Maintenance – 1.1%; Fees and Charges – 22.0%; Inter-Government – 1.2%; Other Revenues – 25.8%; Cost Allocation – 2.0%; Internal Charges – 2.7%; and Interfund Transfers – 3.3%.

FYE 2022 projected total expenditures of \$249,358,192 include Public Safety – 20.8%; Public Works – 10.4%; Water – 12.5%; Water Reclamation – 7.9%; Sanitation – 7%; Debt Service – 9.1%; Capital Improvements – 10.7%; Tax Increment Finance Districts – 15.9%; Strategic Support and Criminal Justice – 15.9%.

FYE 2022 General Fund revenues of \$88,689,307 by source include Sales/Use Tax – 62.4%; Franchise Tax – 7.6%; Other Taxes – 2.9%; Fines/Forfeitures – 1.7%; License/Fees – 1.3%; Interest – 0.2%; Cost Allocations – 5%; Internal Charges – 6.7%; Other Revenues – 5.4%; and Transfers – 6.8%. Mr. Francisco said Oklahoma is the only State in the United States that relies solely on sales tax for General Fund operations.

FYE 2022 General Fund expenditures of \$87,098,432 by department include Administrative and Legislature – 6%; Fire – 20%; Finance – 4%; Municipal Court – 1%; Parks – 7%; Human Resources – 1%; Information Technology – 4%; Police – 27%; Planning – 4%; Public Works – 21%; Legal – 1%; and Other – 1%. Mr. Francisco said Norman's annual property tax burden is one of the lowest compared to Midwest City; Lawton; Oklahoma City; Broken Arrow; Bartlesville; Moore; Tulsa; Kansas City, Missouri; and Dallas, Texas.

Mr. Francisco highlighted the distribution of the City's 8.75% sales tax as 2.30% to the City's General Fund; 4.50% to the State of Oklahoma; 0.25% to City Transit Fund; .50% NORMAN FORWARD; .50% Public Safety Sales Tax (PSST); and 0.70% City Capital Improvements (CIP) Fund. He highlighted property tax distribution based on \$161,306 median home value as 7.8% (\$173.20) - City of Norman; 15.3% (\$330.78) - Moore Norman Vo-Tech; 10.6% (\$225.98) - Cleveland County; 5.1% (\$112.16) - Pioneer Library System; and 61.2% (\$1,356.75) - Norman Public Schools.

Councilmember Holman clarified that the property tax the City receives can only be used for voter approved debt or lawsuit costs.

Mr. Francisco said some of that revenue has been made up by increases in use tax, which is basically a sales tax on goods purchased outside of City for use within the City, i.e., catalogue sales, online sales, etc. He said it is important to monitor and enforce use tax collections on online and out-of-state purchases, but federal legislation is really needed to enforce tax collection from out-of-state vendors, which is critical since cities in Oklahoma are so dependent on sales tax. Over the past ten years, sales tax revenue has varied and in June of 2020, the City experienced an 18% decline in sales tax mostly due to COVID regulations that forced closure of many businesses. He said sales tax is wildly variable lately and it is very hard to predict future sales tax revenue so Staff is just trying to respond to what is really happening.

Item 5, continued:

General Fund major expenditure assumptions include salary and benefit category expenses budgeted for each position in FYE 2022 based on contractual costs assuming merit and longevity cost increases; no cost-of-living adjustment budgeted in FYE 2021 with an assumption of implementation of cost of new American Federation of State, County, and Municipal Employees (AFSCME) Union Pay Plan of 1.5%; five-year projections made to “determine future viability and to provide a base for remedial policy actions”; salary and benefit category costs assumed to grow by 5% per year in FYE 2023-2026; expenditures in Services/Maintenance and Supply/Materials assumed to grow by 1% in FYE 2023-FYE 2026; expenditures in Internal Services category based on budgeted costs in FYE 2020 and assumed to grow by 2% in FYE 2023-2026; employee turnover savings of \$800,000 assumed in FYE 2022 and in future years; no Services/Maintenance and Supply/Materials savings assumed in FYE 2021; and “subsidies” to Public Transit and PSST Funds to have a zero fund balance in Special Revenue Funds.

Mr. Francisco said General Fund personnel position changes during FYE 2021 include deletion of Development Coordinator position; deletion of two Police Officers, five Master Police Officers, and two Police Sergeants; adding Diversity and Equity Officer; adding Americans with Disabilities Act (ADA) Compliance Technician (former contracted service); adding Outreach Case Coordinator; adding Outreach Housing Liaison; adding Vehicle Service Technician; and adding Transit and Parking Manager.

Position changes proposed in FYE 2022 include adding one Tradesworker position (plumber); adding Homeless Technician (formerly in the Community Development Block Grant (CDBG) Division); adding Traffic Signal Locator/Inspector; adding three Park Maintenance Worker 1 positions (funded by NORMAN FORWARD Fund); deleting Homeless Technician (funded by General Fund); adding Public Transit Maintenance Worker; and adding Public Transit Administrative Technician III.

Unfunded personnel needs include Stormwater personnel (street sweeper, maintenance, etc.); Human Resource personnel; Information Technology (I.T.) personnel; Public Safety Sales Tax (PSST) personnel (four School Resource Officers (SROs) and two Dispatch Officers; Fire Department expanded staff (15 for Station 10); and Tradesworker positions for Facility Maintenance (Electrician and Heating, Ventilation, and Air Conditioning - HVAC).

Councilmember Holman said when it comes to public safety, most people think of fire and police, but I.T. is a matter of public safety and security as well so he would like to address the unfunded personnel for I.T. He said their services are as vital as every other department in the City. Mr. Francisco agreed and said every department’s work depends on I.T. services of ensuring City data remains secure as well as keeping the City operational.

Mr. Francisco said this has been an unusual year as the City has received more federal assistance (due to COVID) in intergovernmental funding opportunities than in the past that include:

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) - (reimbursed plus or minus \$14,300,000) proposed for Transit Maintenance Facility - \$5 million; Senior Wellness Center - \$4.8 million; Small Business Assistance - \$3 million; Room Tax - \$800,000; General Fund/Rainy Day Fund - \$550,000; and COVID Vaccinations - \$200,000.

American Rescue Plan (ARP) - (\$22,500,000) for one-time CIP/Infrastructure expenses that are proposed to include Emergency Operations/Communication Center - \$9.5 million; 36th Avenue N.W. Widening - \$11.5 million; PSST Critical CIP needs - \$3.5 million (Fire Station No. Five) and debt service - cost to be determined; 2019 General Obligation Bond Program matching – cost to be determined; Stormwater Master Plan CIP – cost to be determined; Vehicle Replacements – cost to be determined; Comprehensive Land Use Plan update – cost to be determined; and Municipal Complex Renovations (City Hall, Police Department, Human Resources, Integrated Technology) – cost to be determined.

American Jobs Plan – proposed Public Infrastructure Bill – amount to be determined (has not passed by Congress yet).

Item 5, continued:

Mr. Francisco highlighted the CDBG Fund status and said the CDBG Committee coordinates a separate budget process for CDBG and HOME Funds, which is added to the City Budget through an amendment. The CDBG Budget is approved by Council before submission to Housing and Urban Development (HUD). In FYE 2021, CDBG was supplemented by CARES Act Funds for low to moderate income rent and utility assistance and homeless personnel and services, HOME Programs additional funding, and a permanent Warming Shelter potentially to be located at 718 North Porter Facility (could also use Jobs Act Funds or ARP Funds to refurbish the location).

The Room Tax Fund has a revised estimated revenue of \$875,000 should be met (\$750,000 received as of March 31st) and \$1,075,000 in CARES Act funding was received into the Room Tax Fund for agency funding and bring projected tourism and Arts Fund Balance to zero. Any Room Tax revenues exceeding \$875,000 will be used to rebuild tourism and Arts Fund balances. FYE 2022 revenue projections are based on 75% of 2019 levels (expect full football stadiums, but slow tourism recovery). Mr. Francisco said Westwood Golf Course Bonds will be paid off by June 1, 2022, so that will free up approximately \$200,000 annually to be used for park development project going forward.

Other Special Revenue Funds include Council on Law Enforcement Education and Training (CLEET); Seizures and Restitution; Special Grants; Art in Public Places; and Westwood Park (no assumed subsidy from the General Fund).

Mr. Francisco said personnel positions within the PSST Fund are behind schedule, but critical capital needs are progressing. He said debt funding for the Radio System and Emergency Operations/Dispatch Center (EOC) are progressing and will be paid off in 2027. He said that will free up money for other capital needs, such as Fire Station No. Five. He said there is a funding debt for the EOC and the City would like to build the facility at its fully scoped level or build the EOC to fit within the budget of the PSST. The PSST Oversight Committee has recommended the City wait until funding has been identified to build the EOC to the fully scoped level.

Major operational budget issues include an imbalance between operational revenues/expenditures and lack of adequate funding for stormwater projects and Fleet Maintenance. Mr. Francisco said PSST operations and capital shortfalls exacerbate problems in the General Fund and CIP Fund. He said existing services may have to be reduced and one of those major service areas is stormwater and the City not only needs an increased level of service in stormwater, but existing services will need to be cut if the City does not have a Stormwater Utility to pay for projects.

Mr. Francisco said COVID is not over and for the next few months, the City will continue to have impact to services. He encouraged the public to be engaged in the budget process and give input.

* * * * *

ADJOURNMENT

The Mayor declared the meeting adjourned at 10:09 p.m.

ATTEST:

City Clerk

Mayor



CITY OF NORMAN, OK CITY COUNCIL SPECIAL MEETING

Municipal Building, Executive Conference Room, 201 West Gray, Norman,
OK 73069

Tuesday, August 01, 2023 at 5:30 PM

MINUTES

It is the policy of the City of Norman that no person or groups of persons shall on the grounds of race, color, religion, ancestry, national origin, age, place of birth, sex, sexual orientation, gender identity or expression, familial status, marital status, including marriage to a person of the same sex, disability, relation, or genetic information, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination in employment activities or in all programs, services, or activities administered by the City, its recipients, sub-recipients, and contractors. In the event of any comments, complaints, modifications, accommodations, alternative formats, and auxiliary aids and services regarding accessibility or inclusion, please contact the ADA Technician at 405-366-5446, Relay Service: 711. To better serve you, five (5) business days' advance notice is preferred.

CALL TO ORDER

Mayor Heikkila called the Meeting to Order at 5:30 p.m.

PRESENT

Mayor Larry Heikkila
 Councilmember Ward 1 Austin Ball
 Councilmember Ward 2 Lauren Schueler
 Councilmember Ward 3 Bree Montoya
 Councilmember Ward 4 Helen Grant
 Councilmember Ward 5 Michael Nash
 Councilmember Ward 7 Stephen Holman
 Councilmember Ward 8 Matthew Peacock

ABSENT

Councilmember Ward 6 Elizabeth Foreman

AGENDA ITEMS

1. CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES, TITLE 25 § 307(B)(3) IN ORDER TO DISCUSS THE APPRAISAL AND ACQUISITION OF REAL PROPERTY LOCATED GENERALLY WEST OF 12TH AVE NE, SOUTH OF ROCK CREEK ROAD AND NORTH OF ALAMEDA, AS WELL AS REAL PROPERTY LOCATED AT THE SE CORNER OF 24TH AVE NE AND ROBINSON, ALL IN NORMAN.

Motion made by Councilmember Ward 8 Peacock, Seconded by Councilmember Ward 2 Schueler.

Voting Yea: Mayor Heikkila, Councilmember Ward 1 Ball, Councilmember Ward 2 Schueler, Councilmember Ward 3 Montoya, Councilmember Ward 4 Grant, Councilmember Ward 5 Nash, Councilmember Ward 7 Holman

The City Council adjourned into Executive Session at 5:32 p.m. Mr. Darrel Pyle, City Manager, Ms. Kathryn Walker, City Attorney; Mr. Anthony Francisco, Director of Finance; Mr. Jason Olson, Director of Parks and Recreation; and Ms. Emily Pomeroy and Ms. Lisa Harden with the Center for Economic Development Law, were in attendance at the Executive Session.

Motion made by Councilmember Ward 8 Peacock, Seconded by Councilmember Ward 4 Grant.

Voting Yea: Mayor Heikkila, Councilmember Ward 1 Ball, Councilmember Ward 2 Schueler, Councilmember Ward 3 Montoya, Councilmember Ward 4 Grant, Councilmember Ward 5 Nash, Councilmember Ward 7 Holman

The Executive Session was adjourned out of and the Special Session was reconvened at 6:25 p.m.

The appraisal and acquisition of real property located generally west of 12th Avenue N.E. south of Rock Creek Road and north of Alameda Street as well as real property located at the southeast corner of 24th Avenue N.E. and Robinson Street, all in Norman was discussed. No action was taken and no votes were cast.

* * * * *

2. DISCUSSION REGARDING HOUSE BILLS 2903 AND 2904 PROVIDING POSSIBLE FUNDING OPPORTUNITIES FOR ADDITIONAL SCHOOL RESOURCE OFFICERS.

Mr. Darrel Pyle, City Manager, said prior to discovery of House Bills 2903 and 2904, Staff was approached by some Parent Teacher Association (PTA) members asking what they needed to do to get more School Resource Officers (SRO's). There are 17 elementary schools that do not have SROs and although funding is a big part of this program, staffing is a much bigger part of the program. He said the Norman Police Department (NPD) is expected to be fully staffed by January and adding 17 more officers could be a three year process, which is not an immediate solution. He said Mayor Heikkila discovered a House Bill had been signed into law that creates a pilot project for the State of Oklahoma for a \$50 million three year pilot program for safety in schools. He said approximately \$98,000 will be distributed per school district per year for three years and the State Department of Education (SDE) said they are taking administrative costs right off the top leaving \$90,000 per year per school district for three years. He said \$90,000 is a little less than the cost of one SRO and NPS is recognizing they want to use that funding for additional SRO efforts and the School Districts are the recipients of the dollars in those House Bills. He said Texas Legislature approved a bill for an SRO and armed security personnel in every school in the State of Texas.

Mr. Pyle said the pilot project tells which way legislatures are leaning towards and there is also a Federal conversation taking place about making SRO's mandatory nationwide. He said momentum is shifting towards school safety although it would be better if that came with more funding, but Staff is bringing this to Council's attention for input. He said it would cost \$100,000 per SRO and with 17 elementary schools needing an SRO, it becomes unsustainable over time. He said this is not an overnight fix and it will be years in the making, but it starts with that first step and what that direction looks like. He said the SDE will have application procedures in place by Friday, August 4, 2023.

Mr. Pyle said NPS wants seasoned officers in the schools because of things the officers are situationally aware of and there is a path for NPS to help meet earlier staffing needs in expansion of services through the Sheriff's Office. He said in the long term, NPS wants to expand its relationship with the City, but the thought that NPS could help pay half for 17 officers is not realistic.

Councilmember Schueler asked how the City would handle a possible mandate and Mr. Kevin Foster, Police Chief, said the program would be phased in, i.e., four officers per year going forward until the City has the 17 SRO's. He said the City still has four SRO's required in the Public Safety Sales Tax (PSST) so that could be the first four SRO's and the City would move forward from there. He said he will be talking to the County Sheriff's Office to see if they are going to place officers in schools and if the officers are going to be security guards or actual SRO's.

Councilmember Schueler said this is an extra layer of work for NPD, but she prefers Norman Officers be elevated into these positions. Mayor Heikkila agreed and said it is good management of the Sheriff to be helping the City in this step so the City can move forward without having to take 17 officers from NPD. Chief Foster said there is a huge push for SRO's, but they are going to have to be phased in.

Councilmember Holman said he is concerned about the financial ability to add one SRO for each school even looking years down the road and if NPS is not able to contribute at all to the program is there other precedent of other cities paying for the security of a public school entity?. Mr. Pyle said depending on how the pilot program morphs and whether or not federal legislation actually comes into play there is a lot of potential paths to follow. He said the three year pilot window happens to end about the time the debt service is paid off in PSST, which frees up approximately \$2 million per year.

Ms. Kathryn Walker, City Attorney, said State Legislation set up a revolving fund in anticipation of other funding from the Federal Government so all grants and other monies received from the State and Federal Governments for school security projects and SRO's will be going into this revolving fund. She believes there is an intent for a longer term program and all the money within the revolving fund would have to be spent on maintaining the SRO Program or security enhancements for the schools.

Mr. Pyle said the Public Safety Study is currently in the Request for Proposal (RFP) stage, but he believes there will be a recommendation for more officers especially with the University of Oklahoma (OU) changing over to the Southeast Conference (SEC). He said PTA parents believe the best approach is to have uniform support at all schools.

Councilmember Peacock asked if the City has the ability to run an academy geared just for SRO's because there will be a Statewide hiring bonanza on SRO's and it would be great to get ahead of the curve to get the best of the best. Chief Foster said he is thinking that someone would go through the academy, work in the streets for a period of time, then going to SRO training to be placed in a school.

Councilmember Schueler said she would like officers currently on Staff to be elevated into a SRO position due to training and experience. She would rather have experienced, seasoned officers protecting the schools.

Mr. Pyle said NPS would like to have a police car parked at every school and that would be a great use of surplus vehicles as well as a visual deterrent. He said NPS would be responsible for maintenance of the vehicles.

Councilmember Grant asked what happens after three years if the State does not continue the program and Mr. Pyle said no one knows the answer to that, but it would be very difficult to go backwards and take SRO's out of schools. He said if the City moves forward with the program, it would just be a new way of business going forward.

Mr. Pyle said NPD is working with the Sheriff's Office to see how quickly things could happen and City Staff will have more information for Council next week and seek direction.

ADJOURNMENT

The meeting was adjourned at 6:57 p.m.

ATTEST:

City Clerk

Mayor



CITY OF NORMAN, OK CITY COUNCIL SPECIAL MEETING

Municipal Building, Executive Conference Room, 201 West Gray, Norman,
OK 73069

Tuesday, August 08, 2023 at 5:00 PM

MINUTES

It is the policy of the City of Norman that no person or groups of persons shall on the grounds of race, color, religion, ancestry, national origin, age, place of birth, sex, sexual orientation, gender identity or expression, familial status, marital status, including marriage to a person of the same sex, disability, relation, or genetic information, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination in employment activities or in all programs, services, or activities administered by the City, its recipients, sub-recipients, and contractors. In the event of any comments, complaints, modifications, accommodations, alternative formats, and auxiliary aids and services regarding accessibility or inclusion, please contact the ADA Technician at 405-366-5446, Relay Service: 711. To better serve you, five (5) business days' advance notice is preferred.

CALL TO ORDER

Mayor Heikkila called the Meeting to Order at 5:00 p.m.

PRESENT

Mayor Larry Heikkila
Councilmember Ward 2 Lauren Schueler
Councilmember Ward 3 Bree Montoya
Councilmember Ward 4 Helen Grant
Councilmember Ward 5 Michael Nash
Councilmember Ward 7 Stephen Holman

ABSENT

Councilmember Ward 1 Austin Ball
Councilmember Ward 6 Elizabeth Foreman
Councilmember Ward 8 Matthew Peacock

AGENDA ITEMS

1. DISCUSSION REGARDING THE CITY'S SCHOOL RESOURCE OFFICER PROGRAM.

Chief Kevin Foster, Police Chief, said a recent State law created a pilot project for the State of Oklahoma for a \$50 million three year pilot program for safety in schools and approximately \$96,000 will be distributed per school district per year for three years with school administration taking their share off the top leaving \$90,000. He said the Norman Public School System (NPS) is recognizing they want to use these funds for additional SRO efforts, as school districts will be the recipient of the funds.

Item 1, continued:

Chief Foster said 17 officers would be needed to put an SRO in every school so a budget amendment would be needed to hire 17 officers over a three year period. The Cleveland County Sherriff's Office has stepped up to place an officer in every school while NPD goes through the hiring and training process. He said the Public Safety Sales Tax (PSST) provides four SRO's that are currently rotating through the schools. He said Cleveland County Officers will only provide security and written reports on incidents to NPD.

Ms. Kathryn Walker, City Attorney, said NPS has generally been contributing half the costs for the SRO's and will continue to do so as long as their budget allows, but that will not be forever.

Mr. Darrel Pyle, City Manager, said funding will be allocated from the State Budget to the school districts and each school district will use the funding in different ways to improve safety in schools and in this particular case, funding is anticipated to be used for SROs.

Councilmember Holman asked if County Deputies have SRO training and Chief Foster said yes, the National Association of School Resource Officers (NASRO) is the program the County Sheriff's Office and NPD go through for SRO training.

Councilmember Holman asked the cost of overtime last year and Mr. Ali Jaffery, NPD Lieutenant/SRO, said \$150,000. Councilmember Holman said that could pay for one SRO.

Mayor Heikkila said NPS wants to hire six behavioral health counselors to be utilized in the elementary schools. He said NPS administrators recognize the outcomes at early intervention have the greatest likelihood of success in addressing the challenges some children may have.

Mayor Heikkila asked if Council wanted a budget amendment to hire 17 police officers and Councilmember Grant and Councilmember Holman said they support an interlocal agreement with Cleveland County, but would like more information on a budget amendment to hire officers.

Mr. Pyle said SRO discussion will continue next week in a Study Session and Staff will have more information for Council's review.

* * * * *

- 2. CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES, TITLE 25 § 307(B)(4) TO DISCUSS PENDING LITIGATION IN THE CASE OF THOMPSON VS. NORMAN REGIONAL HOSPITAL ET AL, CASE CIV-19-113 SLP AND POSSIBLE LITIGATION ASSOCIATED WITH TRAVIS KING VS. THE CITY OF NORMAN.

Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 4 Grant.

Item 2, continued:

Voting Yea: Mayor Heikkila, Councilmember Ward 2 Schueler, Councilmember Ward 3 Montoya, Councilmember Ward 4 Grant, Councilmember Ward 5 Nash, Councilmember Ward 7 Holman

The City Council adjourned into Executive Session at 5:28 p.m. Mr. Rick Knighton, Assistant City Attorney, Mr. Winchell Gallardo, City Legal Intern, Ms. Kathryn Walker, City Attorney, and Mr. Darrel Pyle, City Manager, were in attendance at the Executive Session.

Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 4 Grant.

Voting Yea: Mayor Heikkila, Councilmember Ward 2 Schueler, Councilmember Ward 3 Montoya, Councilmember Ward 4 Grant, Councilmember Ward 5 Nash, Councilmember Ward 7 Holman

The Executive Session was adjourned out of and the Special Session was reconvened at 6:21 p.m.

Pending litigation in the case of Thompson vs. Norman Regional Hospital ET AL, Case CIV-19-113 SLP, and possible litigation associated with Travis King vs. the City of Norman were discussed. No action was taken and no votes were cast.

* * * * *

ADJOURNMENT

The meeting was adjourned at 6:22 p.m.

ATTEST:

City Clerk

Mayor



MINUTES

It is the policy of the City of Norman that no person or groups of persons shall on the grounds of race, color, religion, ancestry, national origin, age, place of birth, sex, sexual orientation, gender identity or expression, familial status, marital status, including marriage to a person of the same sex, disability, relation, or genetic information, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination in employment activities or in all programs, services, or activities administered by the City, its recipients, sub-recipients, and contractors. In the event of any comments, complaints, modifications, accommodations, alternative formats, and auxiliary aids and services regarding accessibility or inclusion, please contact the ADA Technician at 405-366-5446, Relay Service: 711. To better serve you, five (5) business days' advance notice is preferred.

CALL TO ORDER

PRESENT

Mayor Larry Heikkila
Councilmember Ward 3 Bree Montoya

ABSENT

Councilmember Ward 6 Elizabeth Foreman

OTHERS

Councilmember Helen Grant
Councilmember Stephen Holman
Councilmember Michael Nash
Councilmember Lauren Schueler
Anthony Francisco, Director of Finance
Kim Coffman, Budget Manager
Jacob Huckabaa, Budget Technician
Dannielle Risenhoover, Admin. Tech IV
Shawn O'Leary, Director of Public Works
Olivia McCourry, Norman Transcript

Mayor Heikkila called the meeting to order at approximately 4:00 PM.

AGENDA ITEMS

1. DISCUSSION REGARDING MONTHLY REVENUE AND EXPENDITURE REPORTS

Director of Finance, Anthony Francisco gave the report. Francisco stated that the tax revenue for October was "flat" and the City is "a bit below" their projected revenue. Francisco stated that he would continue to monitor this.

Francisco asked for direction regarding the School Resource Officer (SRO) program. Francisco's understanding is that Council would like to proceed with adding an agenda item to the November 14 Council meeting agenda. This item would relate to the consent to add the four SROs that are mandated by the Public Safety Sales Tax Two ordinance with no additional contribution from the Norman Public School (NPS) District.

Councilmember Schueler stated, "I would like to see in conversations that we are going to negotiate with them (NPS) about the additional officers that we bring on. I don't want to get into a positions where we've said, 'Well, because the school district can't fund it, we're going to continue to fund those four without a cost share in perpetuity,' so I would like us to have those negotiating opportunities."

Councilmember Grant stated, "I am uncomfortable with just getting this funded without having that MOU (Memorandum of Understanding) negotiated. There are some questions around the program that I feel maybe we could address in the MOU regarding things that I don't want to sweep under the rug which have come out from our community around some of the negative impacts with some SROs. I remember the school board talking about all of the positive ones, but it's really the negative ones that we should be looking to improve upon." Grant asked if the MOU could be negotiated before trying to fund the four additional SROs.

Francisco replied, "In the renegotiation of the MOU for next fiscal year, we can certainly include that. It's basically every five years or so that we renegotiate the terms of what's in the MOU. On an annual basis we just talk about the amount of money, but we can certainly include that sort of concern this coming April for next fiscal year."

Councilmember Holman stated, "I am still in the same position where I'd like to get the voter approved obligation taken care of, I'd like to not be paying overtime for having our existing SROs going around. If we were to approve going ahead with the four positions, I definitely would want that to be part of the yearly negotiation we have with NPS about the joint funding. I think when it comes to expanding the program, what I said to NPS was, 'I think that would take a voter approved expansion of the Public Safety Sales Tax (PSST). And if that's what people want then that's what they could vote on. I don't think there would be concern about it repealing the existing PSST. I would like to get these positions settled before next school year."

Francisco advised the Committee, "Just remember if you add 13 or 23 additional police cars you're going to need one or two additional mechanics. There are other costs related to growing personnel. Just know that."

Councilmember Grant and Councilmember Holman raised the question of if the additional SROs would each have to have a "take home," individually assigned, police car. Francisco stated, "Conceptually speaking, if the four (additional SROs) are supposed to be floating between 17 schools, they need a car. That's the concept anyway."

Mayor Heikkila also replied with, "The way I've had it explained to me in the past is the reason police officers have to have a vehicle or unit with them is if they need to respond. If we had some kind of emergency where we were pulling everyone from everywhere, go back to the swatting incident at OU, they have to have a (police) vehicle."

Shawn O'Leary stated, "I would look to the Police Chief to guide us on where they think they are with the current assignment of (police) vehicles. There's been extras in recent years because they've been down so many officers, but as they're filling back up, my understanding is that we're at the vehicle quota."

Items for the record:
Monthly Financial Reports

Item 1.

ADJOURNMENT

Mayor Heikkila adjourned the meeting at 4:30 PM.

ATTEST:

City Clerk

Mayor

File Attachments for Item:

2. PRESENTATION OF A CIVILIAN SERVICE MEDAL AND CERTIFICATE TO MS. KAYLEE MCKINNEY AND MS. KEIANNA CROSS FOR THEIR EXEMPLARY ASSISTANCE TO FIRST RESPONDERS.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: Brenda Hall, City Clerk

PRESENTER: Kevin Foster, Chief of Police

ITEM TITLE: PRESENTATION OF A CIVILIAN SERVICE MEDAL AND CERTIFICATE TO MS. KAYLEE MCKINNEY AND MS. KEIANNA CROSS FOR THEIR EXEMPLARY ASSISTANCE TO FIRST RESPONDERS.

BACKGROUND:

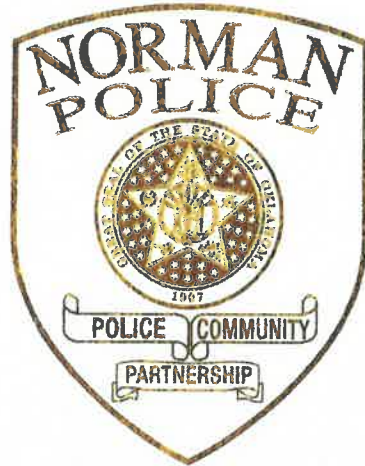
On March 22, 2023 approximately 2009 hours, the Norman Police Department received a 911 call for a welfare check at 616 E. Comanche Street. Call notes advised that an individual who was currently in a Zoom meeting with two other people, had suddenly passed out and was gasping for air. The Reporting Party, Kaylee McKinney, along with a third student, Keianna Cross, were on a zoom call with the victim when she and Cross returned from a short break, observed that the male participant had fallen asleep on the zoom call. McKinney stated that she and Cross attempted to wake the male victim but were unsuccessful. McKinney advised that it was at this point she noticed the victim to be "gasping" for air. McKinney again tried calling the victim, but still no response. McKinney advised that the victim then began "shaking." McKinney advised that it was at this point she stopped the class because she believed something was physically wrong with the victim. McKinney advised that it was this point she decided to call 911 but did not know the victim's address. McKinney advised that Cross used to work with the victim and that it was Cross that provided the physical address to the victim's residence.

First responders arrived at the victim's residence and discovered two other female victim's in addition to the male victim on the zoom call. Narcan was administered and eventually all three victims regained consciousness.

RECOMMENDATION:

The Police Chief will recognize Ms. Kaylee McKinney and Ms. Keianna Cross for their assistance in recognizing something was physically wrong with the victim on the zoom call and for calling 911. In doing so, First-Responders were able to assist him and two other female victims in the home. Ms. McKinney and Ms. Cross performed in an exemplary manner not usually expected of ordinary citizens.

NORMAN POLICE DEPARTMENT



**THIS IS TO CERTIFY THAT THE CHIEF OF POLICE HAS
AUTHORIZED THE AWARD OF**

Civilian Service Medal

to

Kaylee McKinney

On March 22, 2023 approximately 2009 hours, the Norman Police Department received a 911 call for a welfare check at 616 E. Comanche Street. Call notes advised that an individual who was currently in a Zoom meeting with two other people, had suddenly passed out and was gasping for air. The Reporting Party, Kaylee McKinney, along with a third student, Keianna Cross, were on a zoom call with the victim, when she and Cross returned from a short break, observed that the male participant had fallen asleep on the zoom call. Mckinney stated that she and Cross attempted to wake the male victim but were unsuccessful. Mckinney advised that it was at this point she noticed the victim to be "gasping" for air. McKinney again tried calling the victim, but still no response. McKinney advised that the victim then began "shaking." McKinney advised that it was at this point she stopped the class because she believed something was physically wrong with the victim. McKinney advised that it was this point she decided to call 911 but did not know the victim's address. Mckinney advised that Cross used to work with the victim and that it was Cross that provided the physical address to the victim's residence.

First responders arrived at the victim's residence and discovered two other female victim's in addition to the male victim on the zoom call. Narcan was administered and eventually all three victims regained consciousness.

For outstanding performance and teamwork with the Norman Police Department,
Kaylee McKinney is hereby awarded this

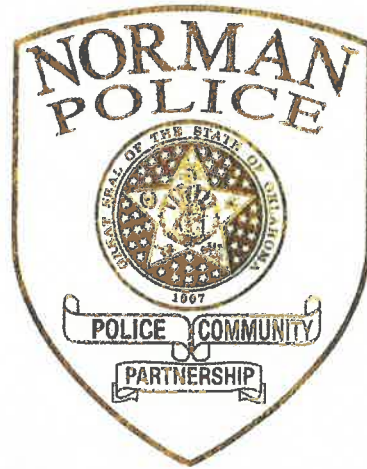
Civilian Service Medal

GIVEN UNDER MY HAND THIS 9TH DAY OF OCTOBER 2023

Kevin Faller

Chief of Police

NORMAN POLICE DEPARTMENT



**THIS IS TO CERTIFY THAT THE CHIEF OF POLICE HAS
AUTHORIZED THE AWARD OF**

Civilian Service Medal

to

Keianna Cross

On March 22, 2023 approximately 2009 hours, the Norman Police Department received a 911 call for a welfare check at 616 E. Comanche Street. Call notes advised that an individual who was currently in a Zoom meeting with two other people, had suddenly passed out and was gasping for air. The Reporting Party, Kaylee McKinney, along with a third student, Keianna Cross, were on a zoom call with the victim, when she and Cross returned from a short break, observed that the male participant had fallen asleep on the zoom call. Mckinney stated that she and Cross attempted to wake the male victim but were unsuccessful. Mckinney advised that it was at this point she noticed the victim to be "gasping" for air. McKinney again tried calling the victim, but still no response. McKinney advised that the victim then began "shaking." McKinney advised that it was at this point she stopped the class because she believed something was physically wrong with the victim. McKinney advised that it was this point she decided to call 911 but did not know the victim's address. Mckinney advised that Cross used to work with the victim and that it was Cross that provided the physical address to the victim's residence.

First responders arrived at the victim's residence and discovered two other female victim's in addition to the male victim on the zoom call. Narcan was administered and eventually all three victims regained consciousness.

For outstanding performance and teamwork with the Norman Police Department,
Keianna Cross is hereby awarded this

Civilian Service Medal

GIVEN UNDER MY HAND THIS 9TH DAY OF OCTOBER 2023

Kevin Faller

Chief of Police

File Attachments for Item:

3. CONSIDERATION OF ACKNOWLEDGEMENT, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF PROCLAMATION P-2324-15: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF DECEMBER, 2023, AS NATIONAL IMPAIRED DRIVING PREVENTION MONTH IN THE CITY OF NORMAN.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: Darci Poe

PRESENTER: John Stege, Professional Standards, Police Department

ITEM TITLE: CONSIDERATION OF ACKNOWLEDGEMENT, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF PROCLAMATION P-2324-15: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF DECEMBER, 2023, AS NATIONAL IMPAIRED DRIVING PREVENTION MONTH IN THE CITY OF NORMAN.

Proclamation

P-2324-15

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF DECEMBER, 2023, AS NATIONAL IMPAIRED DRIVING PREVENTION MONTH IN THE CITY OF NORMAN.

- § 1. WHEREAS, every year thousands of lives are needlessly lost on our Nation’s roadways because of alcohol and drug impaired driving; and
- § 2. WHEREAS, alcohol, illicit drugs, and even over-the-counter medications can impair a driver’s judgment, decrease motor coordination and slow the reaction time necessary to safely operate a motor vehicle; and
- § 3. WHEREAS, the new Infrastructure Investment and Jobs Act calls for the National Highway Traffic Safety Administration to issue a new standard for “advanced drunk and impaired prevention technology” for new vehicles, which would help prevent impaired drivers from taking the wheel; and
- § 4. WHEREAS, while our technology continues to advance and may one day solve the problem of impaired driving, everyone must take individual responsibility and pledge to never drive while impaired and to deter others from making that fateful decision.

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

- § 5. Do hereby proclaim the month of December, 2023, as National Impaired Driving Prevention Month in the City of Norman and urge residents of the City of Norman to make responsible decisions and take appropriate measures to prevent impaired driving.

PASSED AND APPROVED this 14th day of November, 2023.

Mayor

ATTEST:

City Clerk



File Attachments for Item:

4. CONSIDERATION OF ACKNOWLEDGEMENT, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF PROCLAMATION P-2324-16: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SATURDAY, NOVEMBER 25TH, 2023 AS SMALL BUSINESS SATURDAY IN THE CITY OF NORMAN.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: Sara Kaplan

PRESENTER: Sara Kaplan, Business and Community Relations

ITEM TITLE: CONSIDERATION OF ACKNOWLEDGEMENT, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF PROCLAMATION P-2324-16: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SATURDAY, NOVEMBER 25TH, 2023 AS SMALL BUSINESS SATURDAY IN THE CITY OF NORMAN.

Proclamation

P-2324-16

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SATURDAY, NOVEMBER 25, 2023, AS SMALL BUSINESS SATURDAY IN THE CITY OF NORMAN.

- § 1. WHEREAS, the City of Norman, Oklahoma, celebrates our local small businesses and the contributions they make to our local economy and community; and
- § 2. WHEREAS, according to the United States Small Business Administration, there are 33 million small businesses in the United States, small businesses represent 99.7 % of firms with paid employees, small businesses are responsible for 62.7% of the net new jobs created since 1995, and small businesses employ 46.4% of the employees in the private sector in the United States; and
- § 3. WHEREAS, 68 cents of every dollar spent at a small business in the United Sates stays in the local community and every dollar spent at small businesses creates an additional 48 cents in local business activity as a result of employees and local businesses purchasing local goods and services; and
- § 4. WHEREAS, 72% of consumers reported that Small Business Saturday 2022 made them want to shop and dine at small, independently-owned retailers and restaurants all year long; and
- § 5. WHEREAS, the City of Norman supports our local businesses that create jobs, boost our local economy, and preserve our communities; and
- § 6. WHEREAS, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.
- § 7. WHEREAS, the City of Norman, the Norman Chamber of Commerce, and VisitNorman have collaborated with other partner organizations to promote Small Business Saturday in Norman since 2015.

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

- § 8. Do hereby proclaim Saturday, November 25, 2023, as Small Business Saturday in the City of Norman, Oklahoma, and urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

PASSED AND APPROVED this 14th day of November, 2023.

Mayor

ATTEST:

City Clerk



File Attachments for Item:

5. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-14 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE CITY OF NORMAN, OKLAHOMA AMENDING SECTION 533 (“FH, FLOOD HAZARD DISTRICT”) OF THE ZONING ORDINANCE, TO REVISE AND ADD DEFINITIONS TO SUBPART (C) (“DEFINITIONS”), TO ALLOW FOR “CUMULATIVE COST” TO BE ACCOUNTED FOR IN DETERMINING “SUBSTANTIAL IMPROVEMENTS” AND TO DEFINE “MARKET VALUE”; AND PROVIDING FOR THE SEVERABILITY THEREOF.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/23

REQUESTER: Jason Murphy, Stormwater Program Manager

PRESENTER: Shawn O'Leary, Director of Public Works

TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-14 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE CITY OF NORMAN, OKLAHOMA AMENDING SECTION 533 ("FH, FLOOD HAZARD DISTRICT") OF THE ZONING ORDINANCE, TO REVISE AND ADD DEFINITIONS TO SUBPART (C) ("DEFINITIONS"), TO ALLOW FOR "CUMULATIVE COST" TO BE ACCOUNTED FOR IN DETERMINING "SUBSTANTIAL IMPROVEMENTS" AND TO DEFINE "MARKET VALUE"; AND PROVIDING FOR THE SEVERABILITY THEREOF.

BACKGROUND:

The City's Floodplain Ordinance which is included in Section 36-533 of the City of Norman Code of Ordinances, was first adopted by the City of Norman on July 8, 1975. The ordinance has been revised fifteen (15) times. Revisions occurred in 1978, 1981, 1986, 1987, 1989, 1997, 2003, 2004, 2007, 2008, 2012, 2017, 2020, 2021 and 2022. The floodplain ordinance was originally adopted as a requirement of the City of Norman's participation in the National Flood Insurance Program (NFIP), which was established by the U.S. Congress in 1968 and is administered by the Department of Homeland Security's Federal Emergency Management Agency (FEMA).

DISCUSSION:

Residents and business owners in Norman are eligible for a reduction in flood insurance premiums because of the city's active participation in FEMA's National Flood Insurance Program (NFIP) Community Rating System (CRS). In addition to lower premiums, the CRS program helps to reduce the threat of injury or death and property damage due to flooding in Norman. The CRS is a voluntary program for NFIP participating communities. The intended goals of the CRS program are to reduce flood losses, facilitate accurate insurance ratings and promote the awareness of flood insurance. The CRS program rewards communities for implementing activities that protect their residents from flooding. These programs include public outreach, floodplain open space preservation and higher regulatory standards.

Communities are rewarded by having the individual flood insurance policyholder's premiums reduced. Flood insurance premium reductions run in 5 percent increments, from 5 percent to 45 percent. Class ratings range from 10 to 1. The higher the flood protection activity, the lower

the Class rating. Norman became a Class 6 community in 2022. Norman's flood insurance policyholders who reside in Special Flood Hazard Areas receive a 20 percent reduction on flood insurance premiums. The reduction in flood insurance premiums represents an annual savings in premium costs for Norman policyholders and will take effect at the time a new policy is written or an effective policy is renewed.

The CRS Coordinator’s Manual is the guidebook for the CRS program. The Coordinator’s Manual spells out the credits and credit criteria for community activities and programs that go above and beyond the minimum requirements for participation in FEMA’s National Flood Insurance Program. The Coordinator’s Manual explains how the CRS operates, how credits are calculated, and what documentation is required, and also acts as guidance for communities in enhancing their flood loss reduction and resource protection activities. According the CRS manual, including provisions in a flood hazard ordinance for cumulative substantial improvement and substantial damage (SI/SD) is worth up to 90 points, or about 20% of the points needed to improve a class rating from 6 to 5.

Currently, the City’s Flood Hazard Ordinance includes language related to SI/SD that states that any cost to repair or improve a structure in the floodplain that exceeds 50% of the value of the structure is considered substantial improvement and therefore requires that the structure be brought into full compliance with all current Flood Hazard Ordinance requirements. Proposed cumulative substantial improvement language would require that the cost of repairs or improvements would be calculated over a ten-year period for determining if the threshold for substantial improvement has been met. In addition to changes in the definition of substantial improvement, two new definitions will be added to the ordinance to clarify “market value” and define “cumulative cost” and how they are calculated.

The following example demonstrates the effects of the ordinance revision:

An existing, non-conforming house in the floodplain has a market value of \$100,000 and the owner applies for a floodplain permit to renovate portions of the structure for a total cost of \$25,000, resulting in a 25% cost of improvements to the structure. Two years later, that same house now has a market value of \$125,000 and is damaged during a flooding event resulting in repair costs of \$35,000 resulting in a 28% cost of improvement to structure. The combined cost of improvements is 53% of the market value of the structure over a two-year period. Under existing requirements, the structure would not be required to come into compliance with the flood hazard ordinance by flood proofing, raising or otherwise mitigating flood risk. With cumulative SI/SD requirements, a permit could not be granted unless the structure was renovated in such a manner as to make it compliant with the flood hazard ordinance and therefore help mitigate the flooding risk.

The following is the proposed timeline for the ordinance revision:

Norman Revised Floodplain Ordinance Schedule	
Item	Completion Date
Proposed Ordinance Changes Approved by OWRB	August 9, 2023
Proposed Ordinance Changes Approved by Floodplain Permit Committee	August 21, 2023
Proposed Ordinance Approved by Planning Commission	October 12, 2023

Proposed Ordinance Changes to City Council 1st Reading	November 14, 2023
Proposed Ordinance Changes to City Council 2nd Reading	November 28, 2023
Revised Floodplain Ordinance Becomes Effective	December 28, 2023

The following is a summary of the proposed revisions to the Ordinance. Changes and additions to existing language are underlined:

36-533 (c) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Cumulative Cost is the sum of the cost of repairs, construction, rehabilitation, addition, or other improvement of a structure divided by the assessed market value of a structure at the time that a cost is incurred and is calculated over the immediate past 10-year period.

Market Value means, for purposes of determining substantial improvement, the value of a structure and any attached improvements. The assessed value of a structure, as determined by the Cleveland County Assessor, shall be presumed to be the market value unless evidence of an alternative valuation is presented to and accepted by the Floodplain Permit Committee. The Floodplain Permit Committee is ultimately responsible for determining the market value of a structure, although an appeal can be made to the Board of Adjustment.

Substantial improvement means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before “start of construction” of the improvement. This includes structures that have incurred “substantial damage”, regardless of the actual work performed. The cost used in the substantial improvement determination shall be the cumulative costs of all previous improvements for a specific building or structure during the immediate past 10-year period. The term "substantial improvement" does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
2. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

RECOMMENDATION:

Staff recommends that Council approve Ordinance O-2324-14, which amends Sections 533 (“FH, Flood Hazard District”) of the zoning ordinance.

Reviewed by: Scott Sturtz, City Engineer
Jane Hudson, Director of Planning and Community Development
Beth Muckala, Assistant City Attorney III

AN ORDINANCE OF THE CITY OF NORMAN, OKLAHOMA AMENDING SECTION 533 (“FH, FLOOD HAZARD DISTRICT”) OF THE ZONING ORDINANCE, TO REVISE AND ADD DEFINITIONS TO SUBPART (C) (“DEFINITIONS”), TO ALLOW FOR “CUMULATIVE COST” TO BE ACCOUNTED FOR IN DETERMINING “SUBSTANTIAL IMPROVEMENTS” AND TO DEFINE “MARKET VALUE”; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That, Section 533(c) of Chapter 36 of the Code of the City of Norman, shall be amended as follows:

Definitions. The following words, terms, and phrases, when used in this section, shall have the following meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

* * *

Compensatory storage means stormwater storage that is built to replace storage volume that is lost due to development encroaching into the floodplain.

Cumulative Cost is the sum of the cost of repairs, construction, rehabilitation, addition, or other improvement of a structure divided by the assessed market value of a structure at the time that a cost is incurred and is calculated over the immediate past 10-year period.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling, or storage of equipment or materials.

* * *

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market Value means, for purposes of determining substantial improvement, the value of a structure and any attached improvements. The assessed value of a structure, as determined by the Cleveland County Assessor, shall be presumed to be the market value unless evidence of an alternative valuation is presented to and accepted by the Floodplain Permit Committee. The Floodplain Permit Committee is ultimately responsible for determining the market value of a structure, although an appeal can be made to the Board of Adjustment.

Maximum extent feasible means no prudent, practical, and feasible alternative exists and all possible planning to minimize potential harm has been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining maximum extent feasible.

* * *

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before “start of construction” of the improvement. This includes structures that have incurred “substantial” damage”, regardless of the actual work performed. The cost used in the substantial improvement determination shall be the cumulative costs of all previous improvements for a specific building or structure during the immediate past 10-year period. The term “substantial improvement” does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
2. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

Variance means grant of relief by the City from the terms of a floodplain management regulation.

* * *

§ 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional, 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 _____, 2023.

NOT ADOPTED this _____ day
of _____, 2023.

(Mayor)

(Mayor)

ATTEST:

(City Clerk)

AN ORDINANCE OF THE CITY OF NORMAN, OKLAHOMA AMENDING SECTION 533 (“FH, FLOOD HAZARD DISTRICT”) OF THE ZONING ORDINANCE, TO REVISE AND ADD DEFINITIONS TO SUBPART (C) (“DEFINITIONS”), TO ALLOW FOR “CUMULATIVE COST” TO BE ACCOUNTED FOR IN DETERMINING “SUBSTANTIAL IMPROVEMENTS” AND TO DEFINE “MARKET VALUE”; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That, Section 533(c) of Chapter 36 of the Code of the City of Norman, shall be amended as follows:

Definitions. The following words, terms, and phrases, when used in this section, shall have the following meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

* * *

Compensatory storage means stormwater storage that is built to replace storage volume that is lost due to development encroaching into the floodplain.

Cumulative Cost is the sum of the cost of repairs, construction, rehabilitation, addition, or other improvement of a structure divided by the assessed market value of a structure at the time that a cost is incurred and is calculated over the immediate past 10-year period.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling, or storage of equipment or materials.

* * *

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market Value means, for purposes of determining substantial improvement, the value of a structure and any attached improvements. The assessed value of a structure, as determined by the Cleveland County Assessor, shall be presumed to be the market value unless evidence of an alternative valuation is presented to and accepted by the Floodplain Permit Committee. The Floodplain Permit Committee is ultimately responsible for determining the market value of a structure, although an appeal can be made to the Board of Adjustment.

Maximum extent feasible means no prudent, practical, and feasible alternative exists and all possible planning to minimize potential harm has been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining maximum extent feasible.

* * *

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before “start of construction” of the improvement. This includes structures that have incurred “substantial” damage”, regardless of the actual work performed. The cost used in the substantial improvement determination shall be the cumulative costs of all previous improvements for a specific building or structure during the immediate past 10-year period. The term “substantial improvement” does not, however, include either:

- 1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
- 2. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

Variance means grant of relief by the City from the terms of a floodplain management regulation.

* * *

§ 2. **SEVERABILITY**. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional, 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 _____, 2023.

NOT ADOPTED this _____ day
of _____, 2023.

(Mayor)

(Mayor)

ATTEST:

(City Clerk)



Application for
ORDINANCE AMENDMENT

Case No. O-_____

Item 5.

City of Norman Planning & Community Development - 225 N. Webster Avenue - Norman, OK 73069 — (405) 307-7112 Phone

APPLICANT(S) City of Norman Public Works Department	ADDRESS OF APPLICANT 225 N. Webster Norman, OK
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NAME AND PHONE NUMBER OF CONTACT PERSON(S)
Jason Murphy 405-366-5455

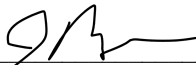
EMAIL:
jason.murphy@normanok.gov

CODE SECTION TO BE AMENDED:

CHAPTER 36—ZONING ORDINANCE
 CHAPTER 28—SIGN CODE
 CHAPTER 30—SUBDIVISION REGULATIONS

Specific Areas to be Amended:

36-533 (FH, Flood Hazard District)- revise and add definitions to subpart (C) (Definitions):see attached

SIGNATURE OF APPLICANT:


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- Application
- Certified Ownership List and Radius Map
- Supporting Data
- Filing Fee of \$ _____

Date Submitted: _____

Time Submitted: _____ a.m./p.m.

Checked by: _____



Date: November 14, 2023

To: Honorable Mayor and City Council Members

Thru: Shawn O'Leary, Director of Public Works

From: Jason Murphy, Stormwater Program Manager

Subject: Agenda Item - Approval of Ordinance No. O-2324-14
Revised Floodplain Ordinance

BACKGROUND:

The City's Floodplain Ordinance which is included in Section 36-533 of the City of Norman Code of Ordinances, was first adopted by the City of Norman on July 8, 1975. The ordinance has been revised fifteen (15) times. Revisions occurred in 1978, 1981, 1986, 1987, 1989, 1997, 2003, 2004, 2007, 2008, 2012, 2017, 2020, 2021 and 2022. The floodplain ordinance was originally adopted as a requirement of the City of Norman's participation in the National Flood Insurance Program (NFIP), which was established by the U.S. Congress in 1968 and is administered by the Department of Homeland Security's Federal Emergency Management Agency (FEMA).

DISCUSSION:

Residents and business owners in Norman are eligible for a reduction in flood insurance premiums because of the city's active participation in FEMA's National Flood Insurance Program (NFIP) Community Rating System (CRS). In addition to lower premiums, the CRS program helps to reduce the threat of injury or death and property damage due to flooding in Norman.

The CRS is a voluntary program for NFIP participating communities. The intended goals of the CRS program are to reduce flood losses, facilitate accurate insurance ratings and promote the awareness of flood insurance. The CRS program rewards communities for implementing activities that protect their residents from flooding. These programs include public outreach, floodplain open space preservation and higher regulatory standards.

Communities are rewarded by having the individual flood insurance policyholder's premiums reduced. Flood insurance premium reductions run in 5 percent increments, from 5 percent to 45 percent. Class ratings range from 10 to 1. The higher the flood protection activity, the lower the Class rating. Norman became a Class 6 community in 2022. Norman's flood insurance policyholders who reside in Special Flood Hazard Areas receive a 20 percent reduction on flood insurance premiums. The reduction in flood insurance premiums represents an annual savings in premium costs for Norman policyholders and will take effect at the time a new policy is written or an effective policy is renewed.

The CRS Coordinator's Manual is the guidebook for the CRS program. The Coordinator's Manual spells out the credits and credit criteria for community activities and programs that go above and beyond the minimum requirements for participation in FEMA's National Flood Insurance Program. The Coordinator's Manual explains how the CRS operates, how credits are calculated, and what documentation is required, and also acts as guidance for communities in enhancing their flood loss reduction and resource protection activities. According the CRS manual, including provisions in a flood hazard ordinance for cumulative substantial

office memorandum

improvement and substantial damage (SI/SD) is worth up to 90 points, or about 20% of the points needed to improve a class rating from 6 to 5.

Currently, the City’s Flood Hazard Ordinance includes language related to SI/SD that states that any cost to repair or improve a structure in the floodplain that exceeds 50% of the value of the structure is considered substantial improvement and therefore requires that the structure be brought into full compliance with all current Flood Hazard Ordinance requirements. Proposed cumulative substantial improvement language would require that the cost of repairs or improvements would be calculated over a ten-year period for determining if the threshold for substantial improvement has been met. In addition to changes in the definition of substantial improvement, two new definitions will be added to the ordinance to clarify “market value” and define “cumulative cost” and how they are calculated.

The following example demonstrates the effects of the ordinance revision:

An existing, non-conforming house in the floodplain has a market value of \$100,000 and the owner applies for a floodplain permit to renovate portions of the structure for a total cost of \$25,000, resulting in a 25% cost of improvements to the structure. Two years later, that same house now has a market value of \$125,000 and is damaged during a flooding event resulting in repair costs of \$35,000 resulting in a 28% cost of improvement to structure. The combined cost of improvements is 53% of the market value of the structure over a two-year period. Under existing requirements, the structure would not be required to come into compliance with the flood hazard ordinance by flood proofing, raising or otherwise mitigating flood risk. With cumulative SI/SD requirements, a permit could not be granted unless the structure was renovated in such a manner as to make it compliant with the flood hazard ordinance and therefore help mitigate the flooding risk.

The following is the proposed timeline for the ordinance revision:

Norman Revised Floodplain Ordinance Schedule	
Item	Completion Date
Proposed Ordinance Changes Approved by OWRB	August 9, 2023
Proposed Ordinance Changes Approved by Floodplain Permit Committee	August 21, 2023
Proposed Ordinance Approved by Planning Commission	October 12, 2023
Proposed Ordinance Changes to City Council 1st Reading	November 14, 2023
Proposed Ordinance Changes to City Council 2nd Reading	November 28, 2023
Revised Floodplain Ordinance Becomes Effective	December 28, 2023

The following is a summary of the proposed revisions to the ordinance. Changes and additions to existing language are underlined:

36-533 (c) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Cumulative Cost is the sum of the cost of repairs, construction, rehabilitation,

addition, or other improvement of a structure divided by the assessed market value of a structure at the time that a cost is incurred and is calculated over the immediate past 10-year period.

Market Value means, for purposes of determining substantial improvement, the value of a structure and any attached improvements. The assessed value of a structure, as determined by the Cleveland County Assessor, shall be presumed to be the market value unless evidence of an alternative valuation is presented to and accepted by the Floodplain Permit Committee. The Floodplain Permit Committee is ultimately responsible for determining the market value of a structure, although an appeal can be made to the Board of Adjustment.

Substantial improvement means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before “start of construction” of the improvement. This includes structures that have incurred “substantial damage”, regardless of the actual work performed. The cost used in the substantial improvement determination shall be the cumulative costs of all previous improvements for a specific building or structure during the immediate past 10-year period. The term "substantial improvement" does not, however, include either:

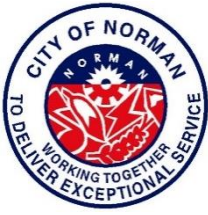
1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
2. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

RECOMMENDATION: Staff recommends that Council approve Ordinance No. O-2324-14, which amends Sections 533 (“FH, Flood Hazard District”) of the zoning ordinance.

Reviewed by: Scott Sturtz, City Engineer
Jane Hudson, Director of Planning and Community Development
Beth Muckala, Assistant City Attorney III

File Attachments for Item:

6. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-16 UPON FIRST READING BY
TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN,
OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF
NORMAN SO AS TO REMOVE THE NORTH HALF (N/2) OF THE NORTHEAST
QUARTER (NE/4) OF SECTION SIXTEEN (16), TOWNSHIP NINE (9) NORTH,
RANGE TWO (2) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY,
OKLAHOMA, AND THE NORTHWEST QUARTER (NW/4) OF SECTION TEN (10),
TOWNSHIP NINE (9) NORTH, RANGE TWO (2) WEST OF THE INDIAN MERIDIAN,
CLEVELAND COUNTY, OKLAHOMA, FROM THE A-2, RURAL AGRICULTURAL
DISTRICT, AND PLACE SAME IN THE PUD, PLANNED UNIT DEVELOPMENT
DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (SOUTHWEST
CORNER OF 24TH AVENUE N.E. AND TECUMSEH ROAD)



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: DAR, L.L.C.

PRESENTER: Jane Hudson, Director of Planning & Community Development

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-16 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE THE NORTH HALF (N/2) OF THE NORTHEAST QUARTER (NE/4) OF SECTION SIXTEEN (16), TOWNSHIP NINE (9) NORTH, RANGE TWO (2) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, AND THE NORTHWEST QUARTER (NW/4) OF SECTION TEN (10), TOWNSHIP NINE (9) NORTH, RANGE TWO (2) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE A-2, RURAL AGRICULTURAL DISTRICT, AND PLACE SAME IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (SOUTHWEST CORNER OF 24TH AVENUE N.E. AND TECUMSEH ROAD)

PROJECT OVERVIEW: The applicant, DAR, L.L.C., is requesting rezoning to a Planned Unit Development, PUD, for approximately 80 acres on the southwest corner of 24th Avenue N.W. and E. Tecumseh Rd. The subject property is currently zoned A-2, Rural Agricultural District. The applicant requests this rezoning to allow for the development of single-family homes on roughly half-acre lots.

PROCEDURAL REQUIREMENTS:

GREENBELT COMMISSION MEETING: GBC23-23, September 19, 2023

The Commission forwards this request with a recommendation to follow Resolution No. R-1617-32 for the East Norman Trail and North Norman Tecumseh Trail. They would like to see a meandering trail in this location.

PRE-DEVELOPMENT MEETING: PD23-27, July 27, 2023

Neighbors asked if the property would drain across Tecumseh. The applicant's engineer explained this project will not fix issues the area is currently facing but it will not cause more as they are required to follow the same historic flow rate. Neighbors asked if it is the same developer as Montecito Ranch; the applicant answered yes. Neighbors asked for the cost of the homes. The applicant anticipates they will cost around \$700k and will be approximately 3,000 square

feet. Neighbors asked if there will be curbs in the development. The applicant said they are not sure yet but the streets will be private and gated. Neighbors voiced concerns about the intersection of 24th Ave NE and Tecumseh. They would like to see the “stop sign ahead” signs moved up; staff said they would let Public Works know about this concern.

BOARD OF PARKS COMMISSIONERS: October 5, 2023

Parks staff recommended to support the developer’s request to provide a fee-in-lieu of park land to be utilized at Deerfield Park, which is the closest public park within the same square mile as the proposed development. Vote was unanimous for fee-in-lieu by a vote of 7-0.

ZONING ORDINANCE CITATION:

SEC. 36-509 – PLANNED UNIT DEVELOPMENT

1. Statement of Purpose. It is the intent of this section to encourage developments with a superior built environment brought about through unified development and to provide for the application of design ingenuity in such developments while protecting existing and future surrounding areas in achieving the goals of the comprehensive plan of record. The "PUD" Planned Unit Development district herein established is intended to provide for greater flexibility in the design of buildings, yards, courts, circulation, and open space than would otherwise be possible through the strict application of other district regulations. In this way, applicants may be awarded certain premiums in return for assurances of overall planning and design quality, or which will be of exceptional community benefit and which are not now required by other regulations. By permitting and encouraging the use of such procedures, the Planning Commission and City Council will be able to make more informed land use decisions and thereby guide development more effectively in the best interest of the health, safety, and welfare of the City.

Specifically, the purposes of this section are to encourage:

- (a) A maximum choice in the types of environment and living units available to the public.
- (b) Provision of more usable and suitably located open space, recreation areas, or other common facilities than would otherwise be required under conventional land development regulations.
- (c) Maximum enhancement and minimal disruption of existing natural features and amenities.
- (d) Comprehensive and innovative planning and design of diversified developments which are consistent with the City's long range plan and remain compatible with surrounding developments.
- (e) More efficient and economic use of land resulting in smaller networks of utilities and streets, thereby lowering costs.
- (f) Preparation of more complete and useful information which will enable the Planning Commission and City Council to make more informed decisions on land use.

The PUD (Planned Unit Development) Regulations are designed to provide for small and large scale developments incorporating a single type or a variety of residential, commercial, industrial

and related uses which are planned and developed as a unit. Such development may consist of individual lots, or it may have common building sites. Private or public common land and open space must be an essential, major element of the development which is related to, and affects, the long term value of the homes and other development. A Planned Unit Development shall be a separate entity with a distinct character that respects and harmonizes with surrounding development.

STAFF ANALYSIS: The particulars of this PUD include:

USE: The allowable uses for the subject property are listed in Exhibit C and noted below.

Allowable Uses for the Final Platted Lots:

- Detached single-family principal dwelling unit;
- Family day care home;
- General purpose farm or garden;
- Type 1 Mobile Home;
- Accessory buildings, including barns, sheds and other farm buildings which are not a part of the main building;
- One accessory dwelling unit (ADU) may be developed on each lot within the Property provided (a) it is clearly secondary to the larger principal dwelling; and (b) is not a mobile home;
 - The ADU may be used as a permanent residence and may contain its own attached garage, kitchen, and similar components to allow the occupant to maintain autonomy while allowing for creative housing opportunities, such as, by way of example, aging in place.
 - The ADU may be contained within a larger shop, barn, or warehouse, as designed by the owner;
- Short-term rentals.

Unplatted areas of the Property may also be used for the following allowable uses until such areas have been platted into Lots:

- Detached single-family dwelling;
- Agricultural crops;
- Raising of farm animals;
- General purpose farm or garden;
- Accessory buildings, including barns, sheds and other farm buildings which are not a part of the main building.

OPEN SPACE/PARKLAND: Exhibit D, Greenspace Exhibit, shows 13.01 acres will be reserved as green space. The narrative states this is 15% of the property.

SITE PLAN/ACCESS: The proposed site plan has two access points on E. Tecumseh Rd. There are 83 proposed residential lots with 13 acres of open space. Large portions of the open space are designated as Water Quality Protection Zone and cannot be developed or programmed. The development will be gated.

SIGNAGE: All signs will comply with the Low Density Residential standards of the Sign Code.

SANITATION/UTILITIES: The lots will have polycart service for trash. The property will be served by private sanitary sewer septic systems. The lots will be served by City water.

SIDEWALKS: Sidewalks are required along E. Tecumseh Rd. and 24th Avenue N.E. They are not required along the interior streets as these are private streets.

PHASING: The applicant does not explain a phasing plan for the subject property.

EXISTING ZONING: The subject property is currently zoned A-2, Rural Agricultural District. The A-2 District requires a minimum of 10 acres for new lots.

ALTERNATIVES/ISSUES:

IMPACTS: The proposed use is similar to the surrounding area. City Staff does not anticipate negative traffic impacts. The quarter section to the west of the subject property has two recent developments. The western side along 12th Avenue N.E. is Park Hill Addition, which is a mix of single-family and commercial uses on the corner of 12th Avenue N.E. and E. Tecumseh Road. Montecito Ranch is a residential development directly east of Park Hill. Montecito Ranch lots were developed at approximately 2-acre lot sizes. Red Canyon Ranch and Montoro Ridge are recent residential subdivisions located at the northwest and southwest corners of 12th Avenue N.E. and Tecumseh Road. Red Canyon Ranch is a typical single-family subdivision with approximately 6,000 – 7,000 SF per lot. Montoro Ridge was developed as a large lot subdivision, approximately 2-acres per lot. At the northeast corner of Tecumseh Road and 24th Avenue N.E. is a recent PUD, Planned Unit Development, to allow for a single-family home with an additional single-family unit/ADU allowing the family to age in place. To the south, located at the southwest corner of 24th Avenue N.E. and Rock Creek Road, is the buildout of Hallbrooke Addition, consisting of the traditional single-family lots, 6,000 – 7,000 SF.

OTHER AGENCY COMMENTS:

FIRE DEPARTMENT: No comments.

PUBLIC WORKS/ENGINEERING: Please see the report from Engineering, included with Preliminary Plat items.

TRAFFIC ENGINEER: Please see the report from the Traffic Engineer, included with the Preliminary Plat items.

UTILITIES: The lots have access to and will be served by City water. The lots will have private sanitary sewer septic systems.

CONCLUSION: Staff forwards this request for rezoning from A-2, Rural Agricultural District, to a PUD, Planned Unit Development, and Ordinance No. O-2324-16 to City Council for consideration.

At their October 12, 2023 meeting, Planning Commission unanimously recommended approval of Ordinance No. O-2324-16 to City Council, by a vote of 6-0.

O-2324-16

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION SIXTEEN (16), TOWNSHIP NINE (9) NORTH, RANGE TWO (2) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE A-2, RURAL AGRICULTURAL DISTRICT, AND PLACE SAME IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (Southwest corner of 24th Avenue N.E. and Tecumseh Road)

- § 1. WHEREAS, DAR, L.L.C., the owners of the hereinafter described property, have made application to have the subject property removed from the A-2, Rural Agricultural District and placed in the PUD, Planned Unit Development 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 on October 12, 2023 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 36-201 of the Code of the City of Norman, Oklahoma, is hereby amended so as to remove the following described property from the A-2, Rural Agricultural District and place the same in the PUD, Planned Unit Development District, to wit:

A tract of land lying in the Northeast Quarter (N.E. ¼) of Section Sixteen (16), Township Nine (9) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma being more particularly described as follows:
BEGINNING at the Northeast Corner of said N.E. ¼;
 THENCE South 00°27'31" East along the East line of said N.E. ¼ a distance of 1312.39 feet; THENCE South 89°58'06" West a distance of 2636.18 feet to a point on the East boundary line of the filed final plat of MONTECITO RANCH ADDITION (as filed in Book 21 of Plats, Page 15-19);

Ordinance No. O-2324-16
Page 2

THENCE North 00°02'31" West along the boundary of said final plat a distance of 1316.47 feet to a point on the North line of said N.E. ¼;
THENCE South 89°56'31" East along said North line a distance of 2626.64 feet to the **POINT OF BEGINNING.**

Said tract of land contains 79.40 acres, more or less.

§ 5. Further, pursuant to the provisions of Section 36-509 of the Code of the City of Norman, as amended, the following condition is hereby attached to the zoning of the tract:

- a. The site shall be developed in accordance with the PUD Narrative, Site Development Plan, and supporting documentation, which are made a part hereof.

§ 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 _____, 2023.

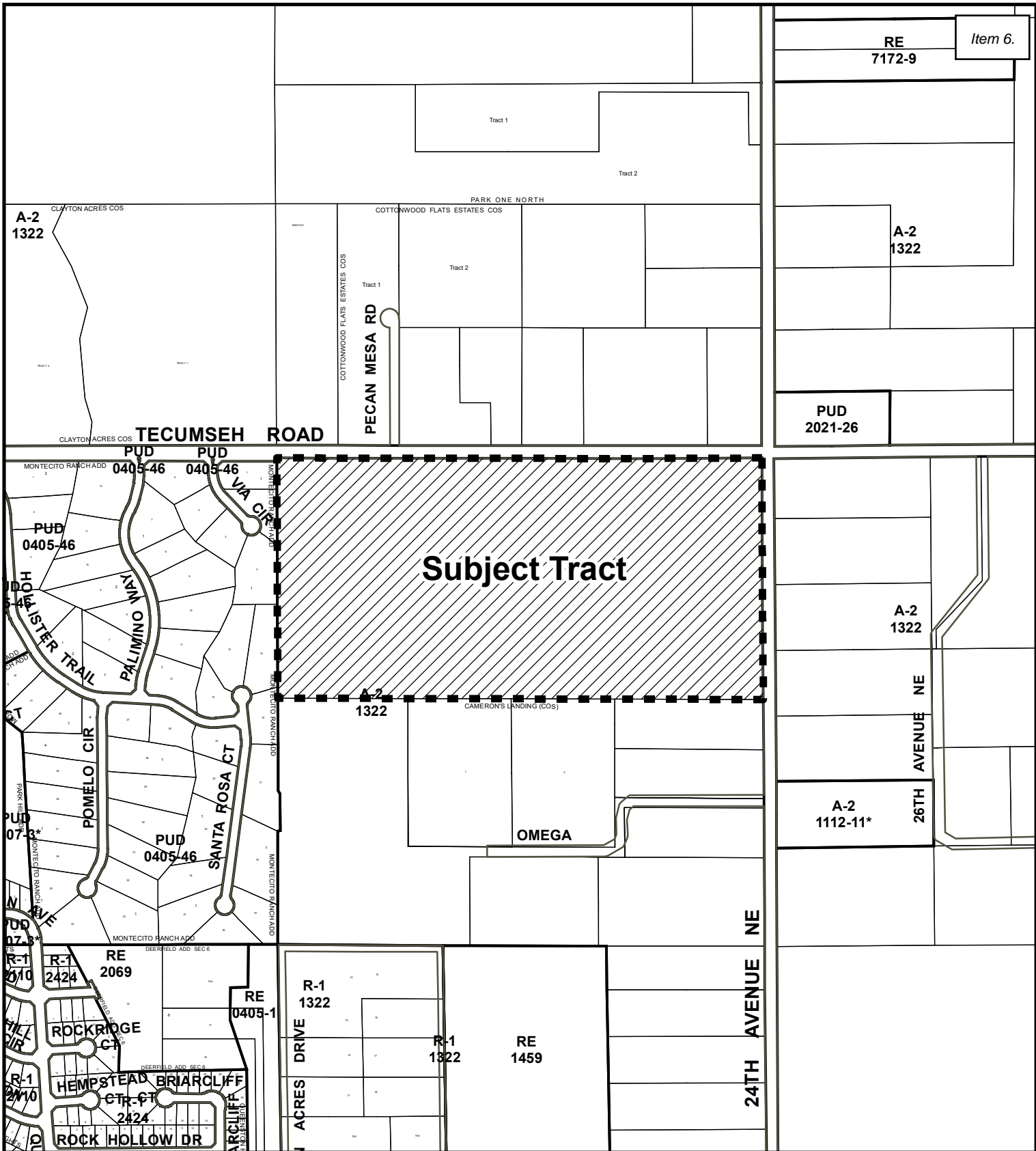
NOT ADOPTED this _____ day of _____, 2023.

(Mayor)

(Mayor)

ATTEST:

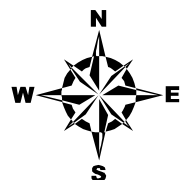
(City Clerk)



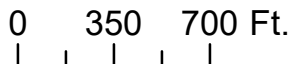
Location Map





Map Produced by the City of Norman Geographic Information System. The City of Norman assumes no responsibility for errors or omissions in the information presented.



July 3, 2023



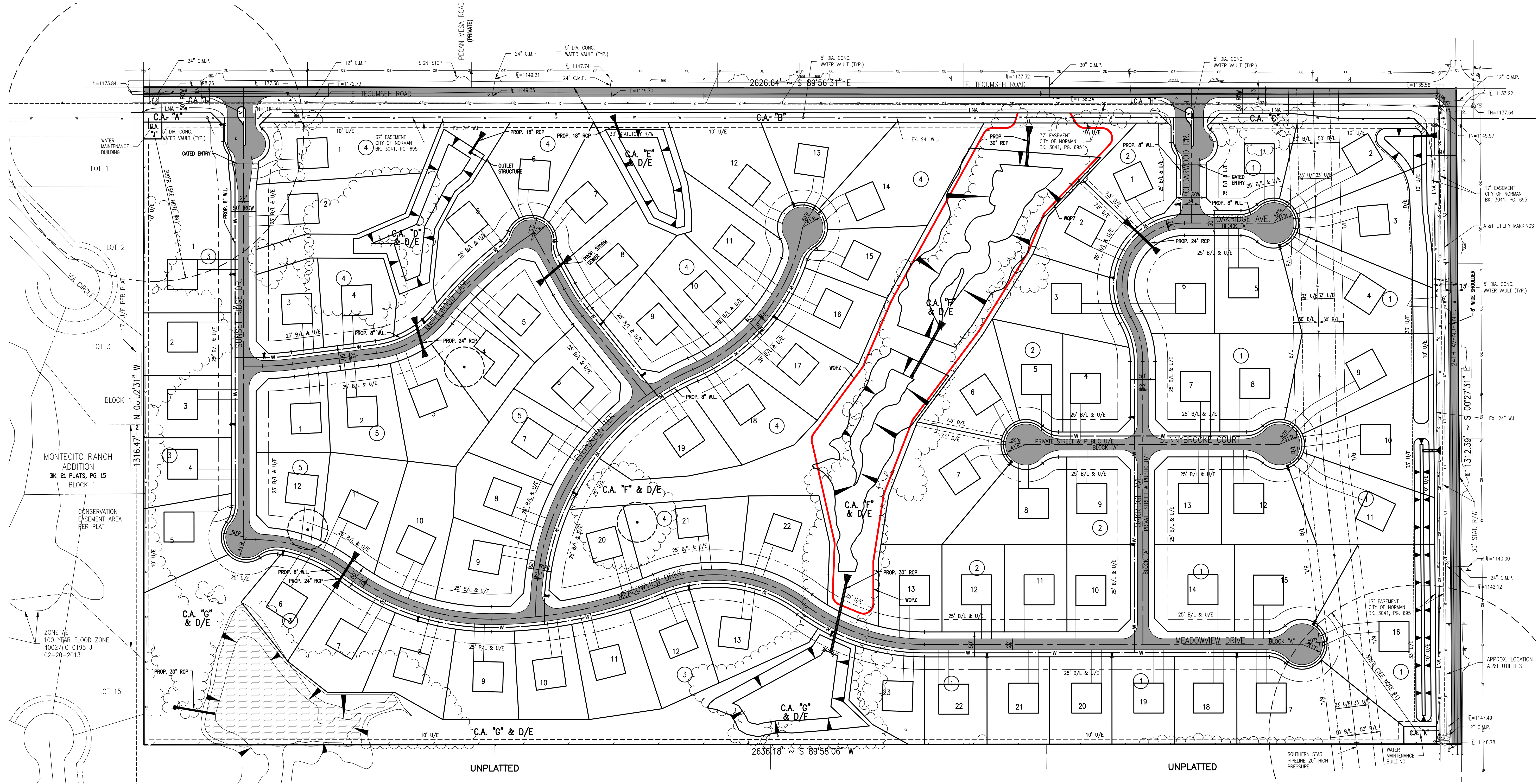
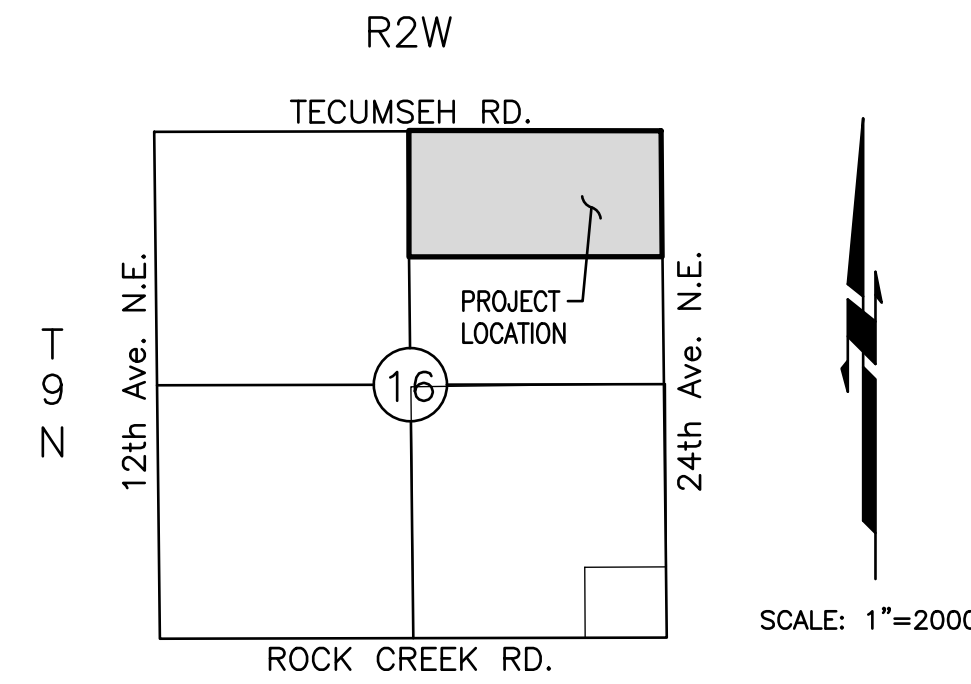
 Subject Tract
 Zoning

Preliminary Site Plan MONTE VISTA ESTATES

A PLANNED UNIT DEVELOPMENT
A PART OF THE N.E. 1/4, SECTION 16, T9N, R2W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA

RESIDENTIAL LOTS - 83
OPEN SPACE AREA = 13.03 AC.±

SCALE: 1" = 100'

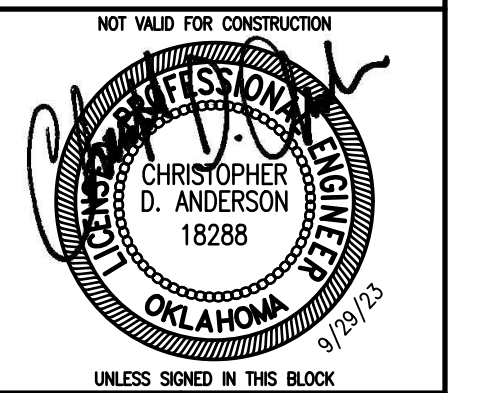


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OWNER:
Michael R. & Glenda L Argo
4211 24th Ave. N.E.
Norman, Oklahoma 73071

Developer:
DAR, L.L.C.
2900 Washington Dr.
Norman, Oklahoma 73069

Engineer:
SMC Consulting Engineers, P.C.
815 W. Main Street
Oklahoma City, OK 73106



MONTE VISTA ESTATES
TECUMSEH RD. & 24TH AVE. N.E.
NORMAN, OKLAHOMA

SMC Consulting Engineers, P.C. 915 N. Lincoln Ave. Norman, Oklahoma 73069 Phone: 405-232-7715 Fax: 405-232-7659 Website: www.smcok.com	By: _____	Date: _____
	Checked: _____	Date: _____
OKLAHOMA CERTIFICATE OF AUTHORIZATION NO. CA 464 EXP. 09/20/2025	Revision: _____	Date: _____
1. Received per: 45017 comments	10/6/23	10/27/23

PROJECT NO.: 6551.00
DATE: 9/01/23
SCALE: 1" = 100'
DRAWN BY: D.G.
ENGINEER: Christopher D. Anderson
P.E. NUMBER: 18288

Preliminary Site Plan
SHEET NO.
1

- NOTES**
- ON-SITE SEWAGE TREATMENT SYSTEMS MUST HAVE A HORIZONTAL SEPARATION OF 300 FEET FROM THE PUBLIC WATER SUPPLY WELLS.
 - THERE ARE 3 PLUGGED OIL WELLS SHOWN ON THIS PLAT IN APPROXIMATE LOCATIONS. THEY WILL NEED TO BE FIELD LOCATED BEFORE CONSTRUCTION OF HOMES TO INSURE A 40' BUILDING SEPARATION.

MONTE VISTA ESTATES

**A PLANNED UNIT DEVELOPMENT
NORMAN, OKLAHOMA**

**APPLICANT:
*DAR, LLC***

**APPLICATION FOR:
PLANNED UNIT DEVELOPMENT
PRELIMINARY PLAT
NORMAN 2025**

Submitted September 1, 2023
Revised September 28, 2023

PREPARED BY:

**RIEGER LAW GROUP PLLC
136 Thompson Drive
Norman, Oklahoma 73069**

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- III. DEVELOPMENT PLAN AND DESIGN CONCEPT
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 - B. Area Regulations
 - C. Additional Development Criteria

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- A. Legal Description of the Property
- B. Site Development Plan
- C. Allowable Uses
- D. Greenspace Exhibit
- E. Preliminary Plat

I. INTRODUCTION

DAR, LLC (the “**Applicant**”) seeks to rezone and plat a tract of property, containing approximately 80-acres, located in Ward 6 of the City of Norman, as more particularly described on the attached **Exhibit A** (the “**Property**”). The Applicant also seeks to amend the Property’s NORMAN 2025 Designation to Low Density Residential. The Applicant seeks to rezone the Property to this Planned Unit Development (“**PUD**”) in order to facilitate the development of a single-family residential neighborhood in accordance with the terms and conditions contained herein. The Property is currently zoned A-2, Rural Agricultural District.

II. PROPERTY DESCRIPTION/GENERAL SITE CONDITIONS

A. Location

The Property is generally located at the Southwest corner of the 24th Avenue NE and East Tecumseh Road intersection.

B. Existing Land Use and Zoning

The Property is currently zoned A-2, Rural Agricultural District, and it has a NORMAN 2025 designation of Very Low Density Residential. The property to the North is zoned A-2, Rural Agricultural. The properties to the West are zoned PUD, Planned Unit Development. The properties to the South are zoned A-2, Rural Agricultural, R-1, Single Family Dwelling, and RE, Residential Estates. The properties to the East are zoned A-2, Rural Agricultural. Generally, the surrounding NORMAN 2025 designations are Very Low Density Residential and County Residential.

C. Elevation and Topography

The Property consists of unimproved land. The Property generally slopes toward the proposed drainage area within the interior of the Property and from the South to the North.

D. Drainage

The Applicant proposes stormwater and drainage management systems that will meet or exceed the City’s applicable ordinances and regulations. A drainage report has been provided by the Applicant to City Staff as part of the Preliminary Plat application. Stormwater runoff will be controlled by a series of detention ponds. This property will also have Water Quality Protection Zone to provide a riparian buffer for the stream running through the property.

D. Utility Services

The necessary utilities for this project are currently located within the necessary proximity to serve the Property, or they will be extended by the Applicant, as necessary. The Property will be served by Private Sanitary Sewer Septic Systems.

F. Fire Protection Services

Fire Protection services will be provided by the City of Norman Fire Department and by the Applicant as such are required by applicable City codes, ordinances, and/or regulations.

G. Traffic Circulation and Access

Access to the Property shall be permitted in the manner depicted on the attached Site Development Plan.

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

The Property shall be developed in compliance with the Site Development Plan, attached hereto as **Exhibit B**, subject to final design development and the changes allowed by Section 36-509(g) of the City of Norman's PUD Ordinance, as may be amended from time to time. The Exhibits attached hereto, and as submitted on behalf on the Applicant, are incorporated herein by reference and further depict the development criteria for the Property.

A. Uses Permitted:

Generally, the Property will be allowed to develop with a principal single-family dwelling unit and compatible uses, such as an accessory dwelling unit (ADU) allowable on each Lot, and accessory buildings. A complete list of the allowable uses for the Property is attached as **Exhibit C**.

B. Area Regulations:

The Lots within the Property shall comply with the following regulations:

Setbacks:

Front Yard: The minimum front yard setback shall be twenty-five (25) feet.

Side Yard: The minimum side yard shall be ten (10) feet. Unattached one-story buildings of accessory use shall be located at least ten (10) feet from the side property line, or fifteen (15) feet if more than one-story.

Rear Yard: There shall be a rear yard having a depth of at least twenty (20) feet. Unattached one-story buildings of accessory use shall be set back at least

ten (10) feet from the rear property line, or fifteen (15) feet if more than one story.

Intensity & Lot Size: There shall be a minimum Lot width of fifty (50) feet at the front building line of each Lot. Each Lot shall be approximately one-half (1/2) acre. No more than one (1) principal single-family dwelling unit shall be constructed on any one Lot. No more than one (1) accessory dwelling unit (ADU) shall be constructed on any one Lot. ADUs may have living accommodations to include a full kitchen. Each Lot will be allowed to have one (1) principal single-family dwelling unit and one (1) ADU in accordance with the terms of this PUD. This shall not preclude owners from also constructing accessory buildings such as, but not limited to: pool houses, barns, or sheds so long as they are not also used as residential dwelling units with full kitchens if an ADU is already present on the Lot. The locations of accessory buildings are subject to modification during final development of each Lot. Each Lot shall have a maximum of 65% impervious area.

C. Additional Development Criteria:

1. Site Plan

The Site Development Plan for the Property is concurrently submitted with this PUD and shall be incorporated herein as an integral part of the PUD and the development of the property shall be generally constructed as presented thereon, subject to final design development and the changes allowed by Section 36-509(g) of the City of Norman's PUD Ordinance, as may be amended from time to time.

2. Open Space

A minimum of 15% (13.01 acres) of the Property shall be utilized as open green space as shown on the attached **Exhibit D**.

3. Traffic Access/Circulation

Access to the Property shall be permitted in the manner depicted on the attached Site Development Plan.

4. Signage

All signs shall comply with the sign standards of the City of Norman Sign Code as applicable a classification of Low Density Residential.

5. Fencing

Fencing is permissible along the perimeter of the Property but is not required. Fencing may be brick, stone, wood, decorative metal, or other material. The maximum fence height for the Property shall be eight (8) feet.

6. Sidewalks

Sidewalks within the interior of the neighborhood are permissible, but not required. If public sidewalks are desired, final design and location will be subject to City Staff review and approval at the final plat stage. The applicant expects to request deferral at the final plat stage for improvements along East Tecumseh Road and 24th Avenue NE, including, but not limited to, sidewalks, walkways, and other required street improvements, due to the current lack of development improvements along those two Minor Urban Arterials in the vicinity. Final plans for required public improvements will be subject to City Staff review and approval at the final plat stage in accordance with the City of Norman's adopted subdivision regulations and applicable ordinances.

EXHIBIT A

Legal Description of the Property

The North Half (N1/2) of the Northeast Quarter (NE1/4) of Section 16, Township 9 North, Range 2 West, Cleveland County, Oklahoma AND the Northwest Quarter (NW1/4) of Section 10, Township 9 North, Range 2 West, LESS AND EXCEPT Beginning at the Southwest Corner of the Northwest Quarter (NW1/4) thence North 370 feet, thence East 648 feet, thence South 370 feet, thence West 648 feet to the point of beginning, Cleveland County, Oklahoma

EXHIBIT B
Site Development Plan
Full Size Documents Submitted to City Staff

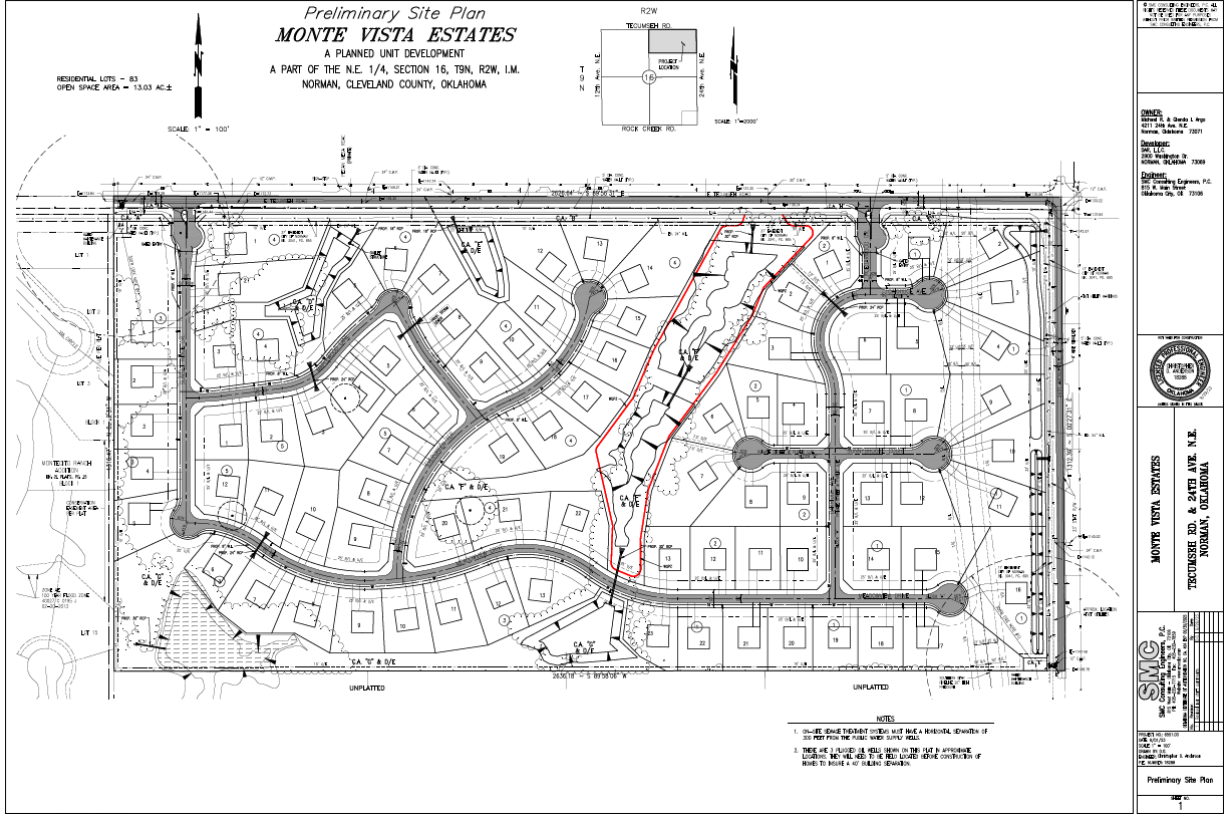


EXHIBIT C
Allowable Uses

Allowable Uses for the Final Platted Lots:

- Detached single-family principal dwelling unit;
- Family day care home;
- General purpose farm or garden;
- Type 1 Mobile Home;
- Accessory buildings, including barns, sheds and other farm buildings which are not a part of the main building;
- One accessory dwelling unit (ADU) may be developed on each lot within the Property provided (a) it is clearly secondary to the larger principal dwelling; and (b) is not a mobile home;
 - The ADU may be used as a permanent residence and may contain its own attached garage, kitchen, and similar components to allow the occupant to maintain autonomy while allowing for creative housing opportunities, such as, by way of example, aging in place.
 - The ADU may be contained within a larger shop, barn, or warehouse, as designed by the owner;
- Short-term rentals.

Unplatted areas of the Property may also be used for the following allowable uses until such areas have been platted into Lots:

- Detached single-family dwelling;
- Agricultural crops;
- Raising of farm animals;
- General purpose farm or garden;
- Accessory buildings, including barns, sheds and other farm buildings which are not a part of the main building.

Exhibit D Greenspace Exhibit

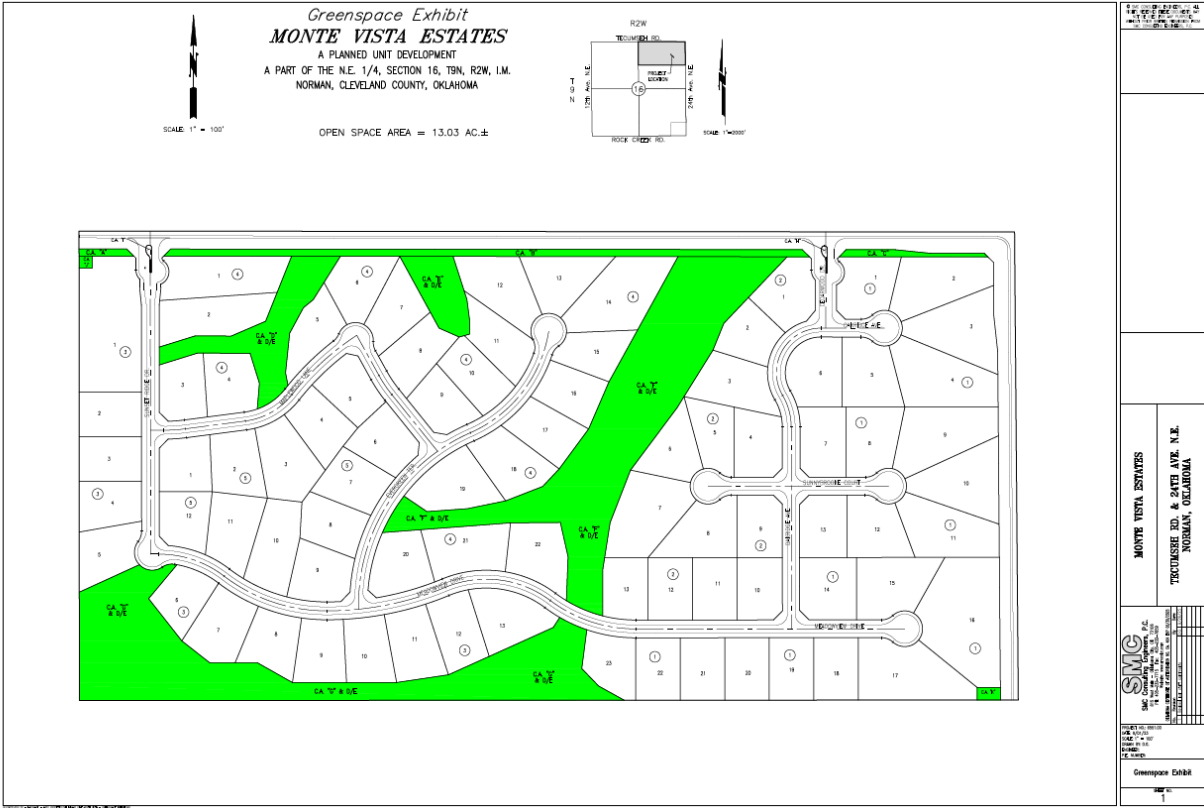
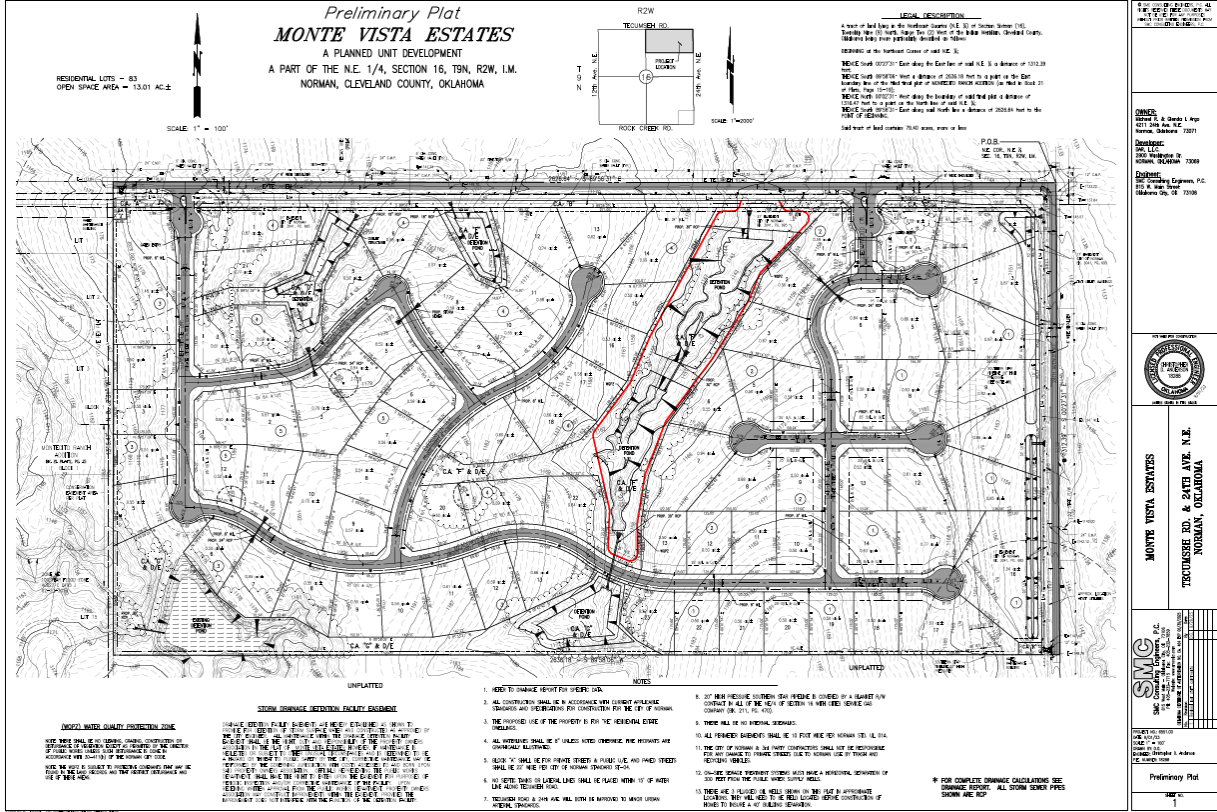
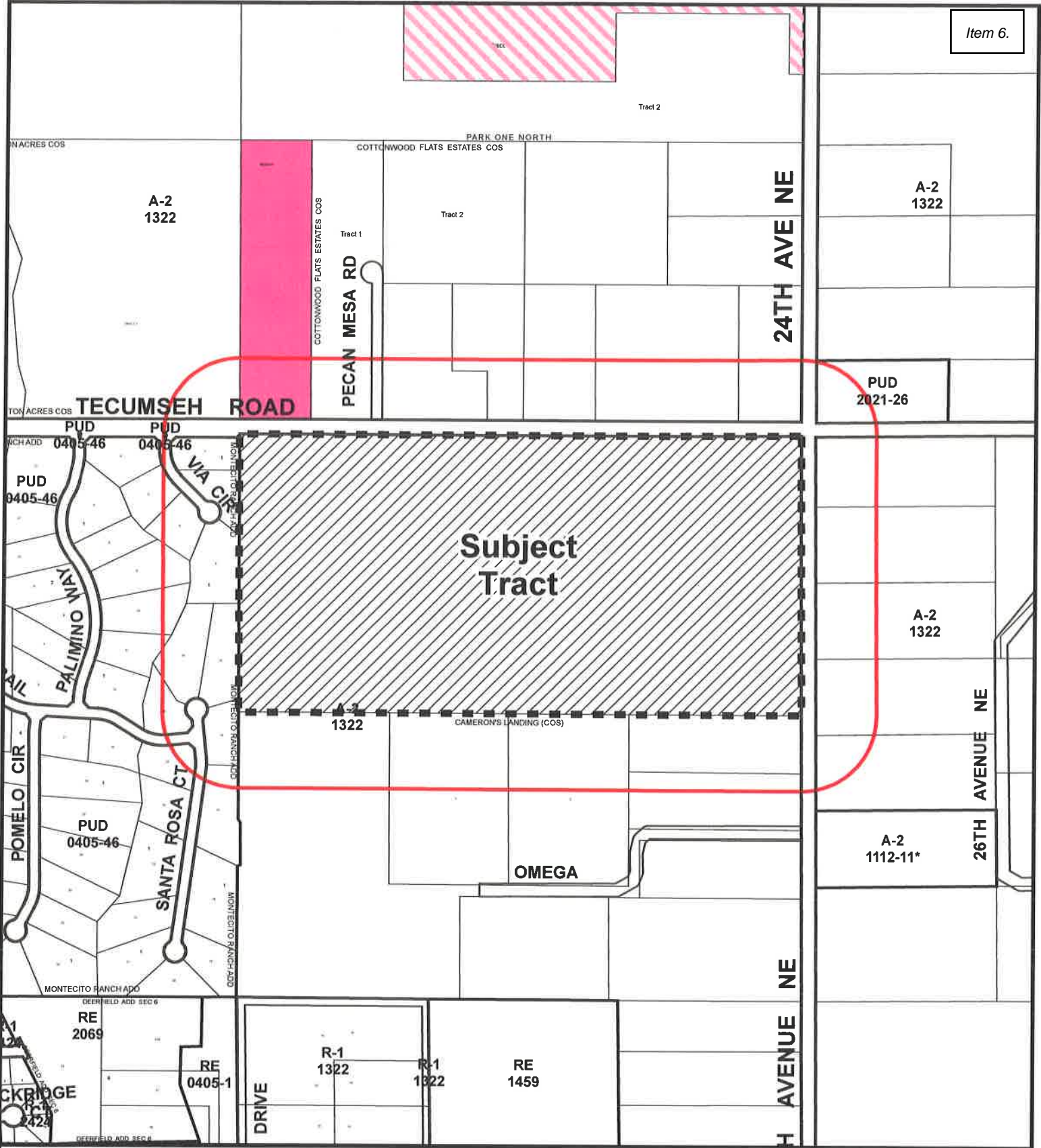


EXHIBIT E
Preliminary Plat
Full Size Documents Submitted to City Staff



Items 11-13
DAR, L.L.C.

UPDATED Protests as of 10-12-2023



Protest Map

3.4% Protest Within Notification Area



Map Produced by the City of Norman
 Geographic Information System.
 The City of Norman assumes no
 responsibility for errors or omissions
 in the information presented.



0 300 600 Feet

October 12, 2023

-  Subject Tract
-  Notification Area
-  Protest
-  Protest Outside Notification Area

JOSHUA SCOTT & JENNIFER BROWN

4000 24TH AVENUE NE
Norman, Oklahoma 73071
405-306-7534

July 23, 2023

Department of Planning and Community Development
225 N. Webster Avenue
Norman, OK 73070

Dear Sir or Madam:

My wife and I and our two daughters live at 4000 24th Avenue NE, Norman, Oklahoma which is directly North of the proposed development of a large lot single family residential family neighborhood just South of Tecumseh Avenue and West of 24th Avenue NE. As you can see from the enclosed aerial photo, all the natural drainage from the proposed area of development flows directly North until it reaches a large pond, just South of our home. The dam of that pond is about 30 yards South of our home and during heavy rain, the dam overflows threatening to flood our home. Needless to say, any additional storm water that flows from the proposed development and into the tributaries and ponds directly to the North ultimately reaches the large pond 30 yards from our home and threatens us with flooding.

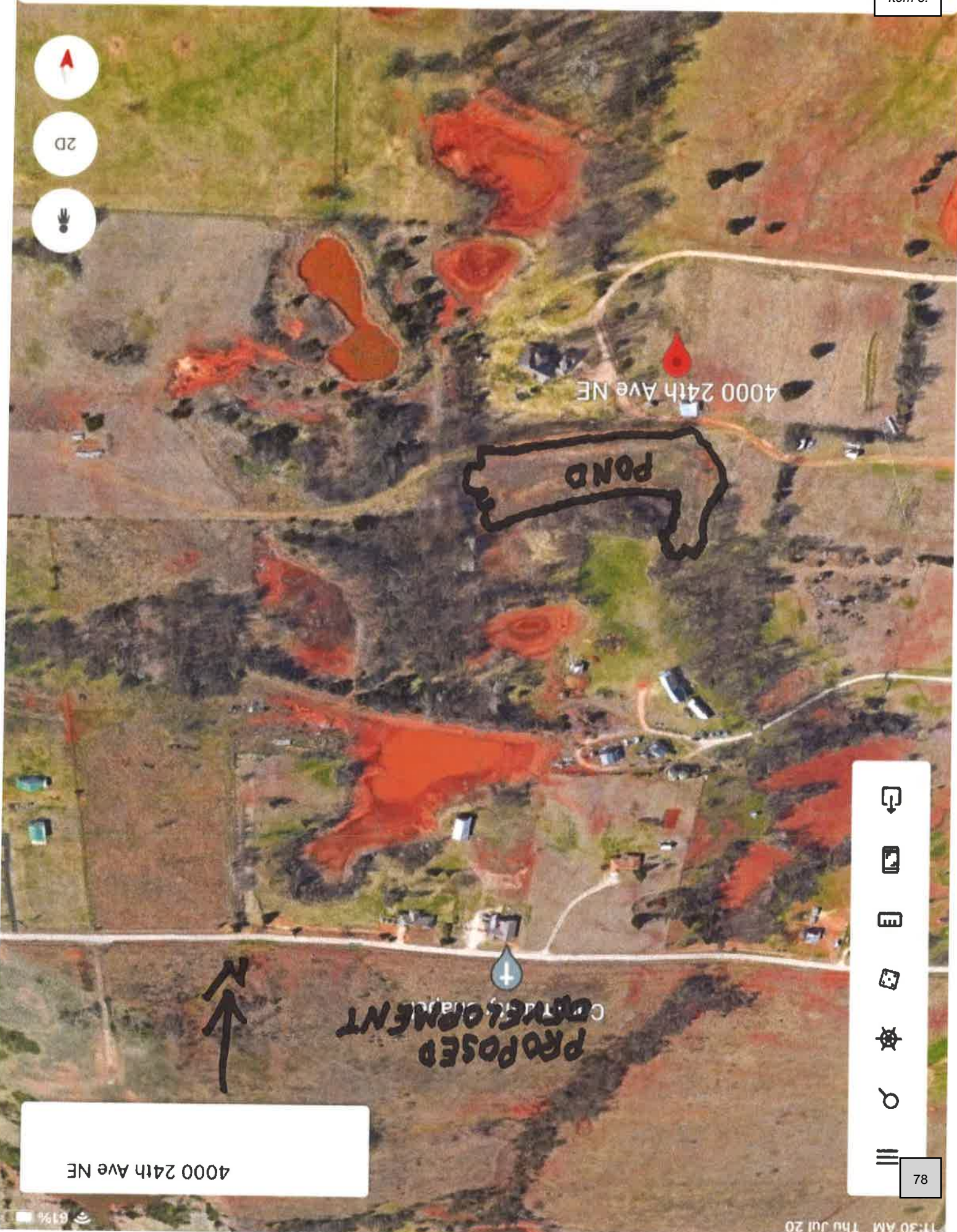
We feel threatened by the proposed development and the resulting damage to our home. If approved, any such development should have a substantial engineering study to assure that no stormwater will flow North, across Tecumseh into the existing tributaries and ponds.

Sincerely,

Joshua S. Brown



FILED IN THE OFFICE
OF THE CITY CLERK
ON 7/27/23



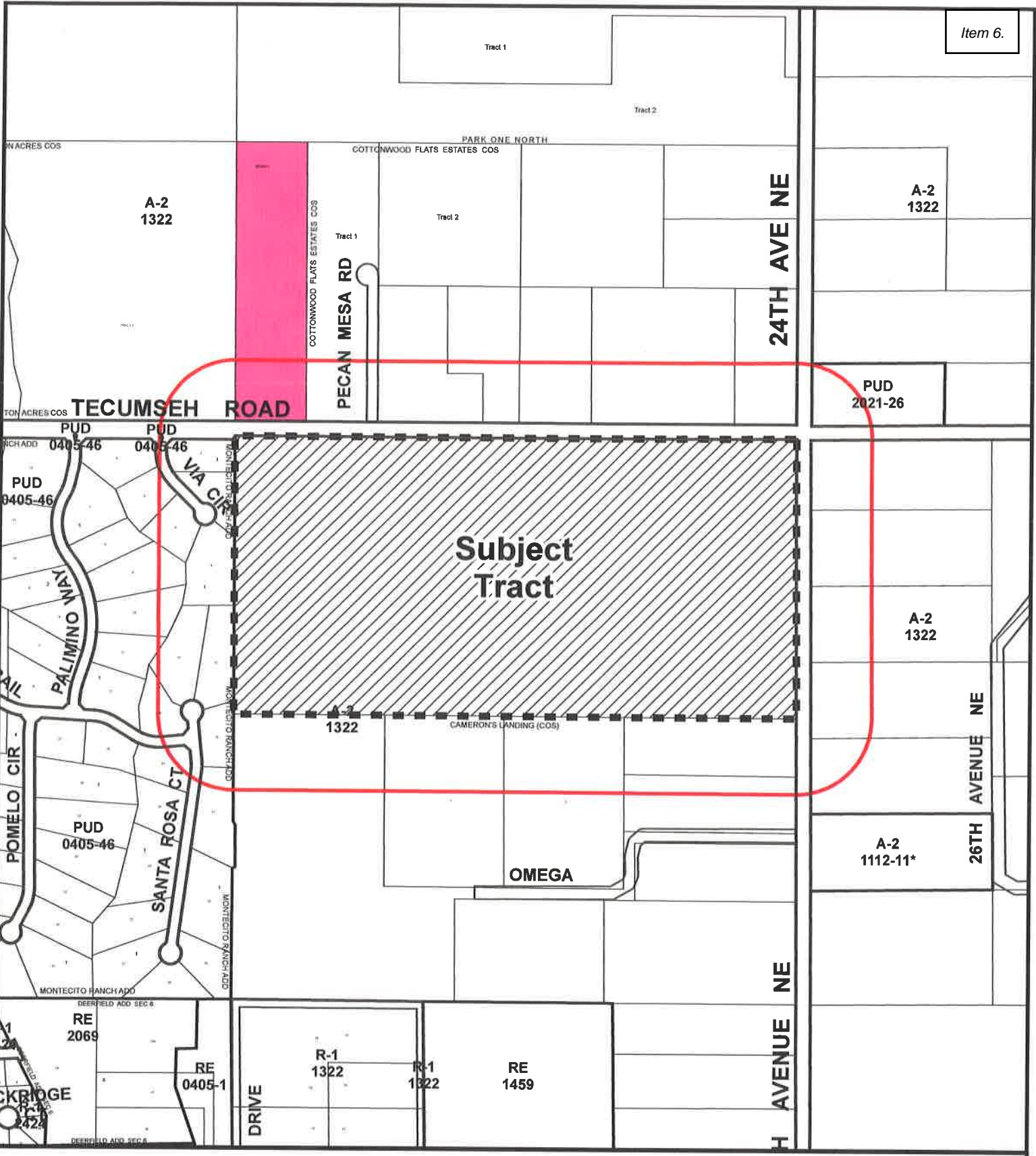
Navigation controls including a compass, a 2D/3D toggle, and a hand icon for panning.

Map toolbar containing icons for home, layers, full screen, street view, and other map functions.

4000 24th Ave NE

Items 11-13
DAR, L.L.C.

PROTESTS as of 10-12-2023



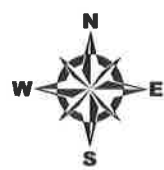
Item 6.

Protest Map

3.4% Protest Within Notification Area



Map Produced by the City of Norman Geographic Information System. The City of Norman assumes no responsibility for errors or omissions in the information presented.



0 300 600 Feet

October 12, 2023

-  Subject Tract
-  Notification Area
-  Protest

Jack Mattingly Jr.
1825 E. Tecumseh Road
Norman, OK 73071
Mattingly.Jack@gmail.com
(405) 380-7750

Oct. 6, 2023

City of Norman
City Clerk
P.O. Box 370
Norman, OK 73069

**-ILED IN THE OFFICE
OF THE CITY CLERK
ON 10/16/23-ZW**

Re: Planning Commission protest

Dear Ms. Hall:

For your reference, a copy of a letter and map I received from the City is enclosed. Would you please file this as a protest and forward it to the Planning Commission, as contemplated by the enclosed letter?

I own and live on the property that is shaded in yellow on the enclosed map. It is a 10 acre tract, with a house facing the road, about 70 yards from the edge of the right of way. One of the planned entrances to the proposed subdivision is apparently directly across from my house and driveway entrance.

I respectfully encourage the Planning Commission to decline the application for rezoning because:

1. The infrastructure in the area is insufficient to handle the inevitable traffic that 90 + homes in a small area will generate. Tecumseh Road borders to the north and is a two-lane road that already experiences heightened traffic around rush hour times. Tecumseh Road, and to a lesser extent Franklin Road, have become de facto arteries that people take to and from east Norman to I-35/west Norman. This pattern has intensified in the three years I've lived here. It will be miserable if 90 + families are moved into an already-busy two-lane road.

2. One of the two proposed entrances (the westernmost) is directly across from my house and entrance. Cars leaving will be shining their headlights into my house. The traffic of the subdivision and entrance location will create a nightly nuisance.

3. No turning lane is planned. Other sizable subdivisions have four lane roads and turning lanes around them to mitigate congestion.

4. There are no entrances planned on NE 24th Street. Funneling 90 + houses of traffic exclusively down Tecumseh Road amplifies the concerns about insufficient infrastructure and serves no purpose other than maximizing the number of building lots. At a minimum, the developer should plan ingress and egress to the development from the east to relieve traffic pressure down Tecumseh Road.

5. If you drive west-bound in front of the planned development, along Tecumseh Road, you come to an intersection at NE 12th (it turns into Sooner Road a mile or two north). Tecumseh Road is quite hilly. Traffic tops a hill and drives downward towards the NE 12th intersection with a relatively short stopping distance. Increased traffic will result in cars lined up at that red light. I have topped the hill and been surprised by cars backed up and causing a decreased time to stop twice in three years, with both times during heavy traffic times. That intersection will become dangerous when traffic starts backing up the hill at the light. It already happens occasionally and 90 new homes right there in that area will make it a routine hazard without additional infrastructure.

6. This appears to be a departure from a longstanding Norman policy of wise planning in the area. I do not know the development history, but plainly when the subdivisions to the west of NE 12th went in down Tecumseh Road, there was thoughtful planning ahead of time, with adequate infrastructure and four lanes. Likewise, Rock Creek Road runs parallel to Tecumseh Road, one mile south. Rock Creek road is four-laned right up to where the subdivisions end, and then the road narrows to 2 lanes. For whatever reason, this practice has not been followed on Tecumseh Road, east of NE 12th. Two different subdivisions have gone in without a four lane road in front of them.

The four-laning of Tecumseh to the west of NE 12th prevented the frustrating congestion that is present in some areas of north Edmond now. I was in north Edmond during rush hour last month and a two-lane road that simply fed subdivisions was packed and slow and suggested a total lack of effective planning. The road was between Covell and Waterloo, a mile or two west of I-35, and developers took advantage of lax regulation and created gridlock in a rural area. Norman got it right to the west of NE 12th -- traffic flows even during congested times, with turn lanes and ample setback, as roads serving dense subdivisions should have. For whatever reason, subdivisions are now encroaching down Tecumseh Road but the same deliberate planning does not seem to exist. If the City desires such a large subdivision in a pastoral area, it will save much time, congestion, money, and irritation if they would carefully plan the infrastructure first, and then add the traffic.

I apologize for not being present before – I was unaware of the application until a neighbor told me about it. I did receive this second round of notice, though.

I respectfully ask the Planning Commission to not allow the development because it will have headlights directly shining into my property, and it is wiser policy to add the infrastructure before the traffic.

Thank you,



Jack Mattingly Jr.

ORDINANCE NO. O-2324-16

ITEM NO. 12

STAFF REPORT**GENERAL INFORMATION**

APPLICANT	DAR, L.L.C.
REQUESTED ACTION	Rezoning to PUD, Planned Unit Development District
EXISTING ZONING	A-2, Rural Agricultural District
SURROUNDING ZONING	North: A-2, Rural Agricultural District East: A-2, Rural Agricultural District South: A-2, Rural Agricultural District West: Planned Unit Development, PUD (O-0405-46)
LOCATION	Southwest corner of 24 th Avenue N.E. and Tecumseh Road
WARD	6
CORE AREA	No
AREA/SF	80.00 acres, more or less
PURPOSE	Single-family residential
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Single-family residential East: Single-family residential South: Single-family residential/Vacant West: Single-family residential
LAND USE PLAN DESIGNATION	Very Low Density Residential Designation
PROPOSED LAND USE DESIGNATION	Low Density Residential Designation
GROWTH AREA DESIGNATION	Suburban Residential Growth Designation

PROJECT OVERVIEW: The applicant, DAR, L.L.C., is requesting rezoning to a Planned Development, PUD, for approximately 80 acres on the southwest corner of 24th Avenue N.W. and E. Tecumseh Rd. The subject property is currently zoned A-2, Rural Agricultural District. The applicant requests this rezoning to allow for the development of single-family homes on roughly half-acre lots.

PROCEDURAL REQUIREMENTS:

GREENBELT COMMISSION MEETING: GBC23-23, September 19, 2023

The Commission forwards this request with a recommendation to follow Resolution No. R-1617-32 for the East Norman Trail and North Norman Tecumseh Trail. They would like to see a meandering trail in this location.

PRE-DEVELOPMENT MEETING: PD23-27, July 27, 2023

Neighbors asked if the property would drain across Tecumseh. The applicant's engineer explained this project will not fix issues the area is currently facing but it will not cause more as they are required to follow the same historic flow rate. Neighbors asked if it is the same developer as Montecito Ranch; the applicant answered yes. Neighbors asked for the cost of the homes. The applicant anticipates they will cost around \$700k and will be approximately 3,000 square feet. Neighbors asked if there will be curbs in the development. The applicant said they are not sure yet but the streets will be private and gated. Neighbors voiced concerns about the intersection of 24th Ave NE and Tecumseh. They would like to see the "stop sign ahead" signs moved up; staff said they would let Public Works know about this concern.

BOARD OF PARKS COMMISSIONERS: October 5, 2023

Parks staff recommended to support the developer's request to provide a fee-in-lieu of park land to be utilized at Deerfield Park, which is the closest public park within the same square mile as the proposed development. Vote was unanimous for fee-in-lieu by a vote of 7-0.

ZONING ORDINANCE CITATION:

SEC. 36-509 – PLANNED UNIT DEVELOPMENT

1. Statement of Purpose. It is the intent of this section to encourage developments with a superior built environment brought about through unified development and to provide for the application of design ingenuity in such developments while protecting existing and future surrounding areas in achieving the goals of the comprehensive plan of record. The "PUD" Planned Unit Development district herein established is intended to provide for greater flexibility in the design of buildings, yards, courts, circulation, and open space than would otherwise be possible through the strict application of other district regulations. In this way, applicants may be awarded certain premiums in return for assurances of overall planning and design quality, or which will be of exceptional community benefit and which are not now required by other regulations. By permitting and encouraging the use of such procedures, the Planning Commission and City Council will be able to make more informed land use decisions and thereby guide development more effectively in the best interest of the health, safety, and welfare of the City.

Specifically, the purposes of this section are to encourage:

- (a) A maximum choice in the types of environment and living units available to the public.
- (b) Provision of more usable and suitably located open space, recreation areas, or other common facilities than would otherwise be required under conventional land development regulations.

- (c) Maximum enhancement and minimal disruption of existing natural features amenities.
- (d) Comprehensive and innovative planning and design of diversified developments which are consistent with the City's long range plan and remain compatible with surrounding developments.
- (e) More efficient and economic use of land resulting in smaller networks of utilities and streets, thereby lowering costs.
- (f) Preparation of more complete and useful information which will enable the Planning Commission and City Council to make more informed decisions on land use.

The PUD (Planned Unit Development) Regulations are designed to provide for small and large scale developments incorporating a single type or a variety of residential, commercial, industrial and related uses which are planned and developed as a unit. Such development may consist of individual lots, or it may have common building sites. Private or public common land and open space must be an essential, major element of the development which is related to, and affects, the long term value of the homes and other development. A Planned Unit Development shall be a separate entity with a distinct character that respects and harmonizes with surrounding development.

STAFF ANALYSIS: The particulars of this PUD include:

USE: The allowable uses for the subject property are listed in Exhibit C.

OPEN SPACE/PARKLAND: Exhibit D, Greenspace Exhibit, shows 13.01 acres will be reserved as green space. The narrative states this is 15% of the property.

SITE PLAN/ACCESS: The proposed site plan has two access points on E. Tecumseh Rd. There are 83 proposed residential lots with 13 acres of open space. Large portions of the open space are designated as Water Quality Protection Zone and cannot be developed or programmed. The development will be gated.

SIGNAGE: All signs will comply with the Low Density Residential standards of the Sign Code.

SANITATION/UTILITIES: The lots will have polycart service for trash. The property will be served by private sanitary sewer septic systems. The lots will be served by City water.

SIDEWALKS: Sidewalks are required along E. Tecumseh Rd. and 24th Avenue N.E. They are not required along the interior streets as these are private streets.

PHASING: The applicant does not explain a phasing plan for the subject property.

EXISTING ZONING: The subject property is currently zoned A-2, Rural Agricultural District. The A-2 District requires a minimum of 10 acres for new lots.

ALTERNATIVES/ISSUES:

IMPACTS: The proposed use is similar to the surrounding area. City Staff does not anticipate negative traffic impacts. The quarter section to the west of the subject property has two recent developments. The western side along 12th Avenue N.E. is Park Hill Addition, which is a mix of single-family and commercial uses on the corner of 12th Avenue N.E. and E. Tecumseh Road. Montecito Ranch is a residential development directly east of Park Hill. Montecito Ranch lots were developed at approximately 2-acre lot sizes. Red Canyon Ranch and

Montoro Ridge are recent residential subdivisions located at the northwest and south corners of 12th Avenue NE and Tecumseh Road. Red Canyon Ranch is a typical single-family subdivision with approximately 6,000 – 7,000 SF per lot. Montoro Ridge was developed as a large lot subdivision, approximately 2-acres per lot. At the northeast corner of Tecumseh Road and 24th Avenue NE is a recent PUD, Planned Unit Development, to allow for a single-family home with an additional single-family unit/ADU allowing the family to age in place. To the south, located at the southwest corner of 24th Avenue NE and Rock Creek Road, is the buildout of Hallbrooke Addition, consisting of the traditional single-family lots, 6,000 – 7,000 SF.

OTHER AGENCY COMMENTS:

FIRE DEPARTMENT: No comments.

PUBLIC WORKS/ENGINEERING: Please see the attached report from Engineering.

TRAFFIC ENGINEER: Please see the attached report from the Traffic Engineer.

UTILITIES: The lots have access to and will be served by City water. The lots will have private sanitary sewer septic systems.

CONCLUSION: Staff forwards this request for rezoning from A-2, Rural Agricultural District, to a PUD, Planned Unit Development, and Ordinance No. O-2324-16 to the Planning Commission for consideration and recommendation to City Council.



CITY OF NORMAN, OK
PLANNING COMMISSION MEETING
 Municipal Building, Council Chambers, 201 West Gray,
 Norman, OK 73069
 Thursday, October 12, 2023 at 6:30 PM

MINUTES

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 14th day of September, 2023.

Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <https://norman-ok.municodemeetings.com> at least twenty-four hours prior to the beginning of the meeting.

Chair Erica Bird called the meeting to order at 6:33 p.m.

ROLL CALL

PRESENT

Cameron Brewer
 Chair Erica Bird
 Douglas McClure
 Jim Griffith
 Maria Kindel
 Michael Jablonski

ABSENT

Steven McDaniel
 Liz McKown
 Kevan Parker

A quorum was present.

STAFF PRESENT

Jane Hudson, Planning Director
 Lora Hoggatt, Planning Services Manager
 Melissa Navarro, Planner II
 Anaïs Starr, Planner II
 Lisa Krieg, CDGB/Grants Manager
 Roné Tromble, Admin. Tech. IV
 Beth Muckala, Assistant City Attorney
 Anthony Purinton, Assistant City Attorney
 David Riesland, Transportation Engineer
 Todd McLellan, Development Engineer
 Jason Murphy, Stormwater Program Manager
 Bryce Holland, Multimedia Specialist

NORMAN 2025, PUD & Preliminary Plat

11. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Resolution No. R-2324-62: DAR, L.L.C. requests amendment of the NORMAN 2025 Land Use & Transportation Plan from Very Low Density Residential Designation to Low Density Residential Designation for 80.00 acres of property located at the Southwest corner of 24th Avenue N.E. and Tecumseh Road.

ITEMS SUBMITTED FOR THE RECORD:

1. NORMAN 2025 Map
2. Staff Report
3. Pre-Development Summary

12. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Ordinance No. O-2324-16: DAR, L.L.C. requests rezoning from A-2, Rural Agricultural District, to PUD, Planned Unit Development, for 80.00 acres of property located at the Southwest corner of 24th Avenue N.E. and Tecumseh Road.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. PUD Narrative with Exhibits A-E
4. Preliminary Site Plan

13. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of PP-2324-6: Consideration of a Preliminary Plat submitted by DAR, L.L.C. (SMC Consulting Engineers, PC) for MONTE VISTA ESTATES, A Planned Unit Development, for 80.00 acres of property located at the Southwest corner of 24th Avenue N.E. and Tecumseh Road.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Plan

PRESENTATION BY STAFF: Ms. Hoggatt reviewed the staff report, a copy of which is filed with the minutes. Two protest letters were received, one of which was within the protest area, which accounted for 3.4% protest.

Mr. Jablonski asked about the Greenbelt Commission recommendation for trails. Ms. Hoggatt responded that will be addressed at final plat stage; they did leave room for it and the developer indicated they are willing to design them.

PRESENTATION BY THE APPLICANT: Libby Smith, Rieger Law Group, representing the applicant, presented the project. The site is 80 acres at the southeast corner of Tecumseh Road and 24th Avenue N.E. This will be a single family residential neighborhood with 83 large ½-acre lots in a gated neighborhood with private streets. It will be served by City water, and have private sewer systems. There is approximately

13 acres of open space. The PUD allows one accessory dwelling unit per lot. Parks Board approved fee-in-lieu of parkland donation.

Mr. Griffith asked about the proximity of Deerfield Park to this development. Ms. Smith did not have that information. Mr. Jablonski asked if there are sidewalks to get to the park. Ms. Smith stated the applicant will install sidewalks along Tecumseh and 24th Avenue N.W. at final plat.

Mr. Jablonski asked about the inclusion of mobile homes on the list of approved uses. Ms. Smith stated the uses were based on RE zoning. The lot size doesn't match the requirement for RE, and they wanted to allow for accessory dwelling units. Ms. Bird asked if the accessory dwelling units can be rented separately. Ms. Smith responded that they can have their own kitchens and can be separately rented.

Ms. Hudson noted that there is also a large park at Park Hill, which is not shown on the map and may be designated as a private park.

Sean Rieger, representing the applicant, reported he was at Parks Board. This is a gated community, so it would not have a public park. Often the criteria is the cost of maintenance. The size of a public park is based on the population, which in this case would have been a one-half acre park for the 90 homes. The applicant recommends what the developer would like, but it is up to the Parks Board whether they accept that recommendation. The fee-in-lieu is set at final plat.

Ms. Bird noted concerns in the protest about traffic, drainage, and curbs. Ms. Smith indicated those will be done in accordance with staff recommendations and the ordinances, and will be more particularly designed at the final plat stage.

Ms. Bird asked about the drainage to the north. Chris Anderson, SMC Consulting Engineers, explained the drainage plan, which includes 8 detention ponds on the site. He explained this is a rural estates project, so the road has bar ditches rather than curbs.

Ms. Bird asked about widening the roads. David Riesland responded that there are plans to widen Tecumseh Road and 24th Avenue N.E. The design of those projects is underway, but federal matching funds makes it hard to establish a timeframe, but it is probably at least five years.

Ms. Bird asked about the greenspace at the southeast corner of the site. Mr. Anderson responded that it is a City water well location, and there is also one at the northwest corner.

AUDIENCE PARTICIPATION:

Jack Mattingly, 1825 E. Tecumseh Road, asked why the widening of Tecumseh would happen after the subdivision is developed, and the cost of condemning right-of-way. His house is located directly across Tecumseh from the driveway to the development; headlights will be going right across his house and will be a nuisance. He asked about a sidewalk on Tecumseh.

Marty Cummins, 1900 Gini Lee Lane, was concerned about the water flow, the detention ponds, and a mechanism to ensure the capacity of the ponds, because he is the recipient of the water downstream.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Mr. Jablonski asked if the site was designed with the widening of the roads in mind. Mr. Anderson responded that additional right-of-way for the expansion was added to the preliminary plat.

Mr. Brewer asked about the long-term capacity of detention ponds. Mr. Anderson explained that there is one retention pond, and the rest are detention ponds that are dry most of the time. The HOA is responsible for maintenance.

Ms. Bird noted the concern about headlights. Mr. Anderson said the entrances are located where they are because they are the high points on the road for safety for the sight distances.

Mr. Jablonski likes the large lots and the ADUs. The project is missing the community aspect of what a park adds.

Motion made by Brewer, seconded by Griffith, to recommend adoption of Resolution No. R-2324-62, Ordinance No. O-2324-16, and PP-2324-6, the Preliminary Plat for MONTE VISTA ESTATES, A Planned Unit Development, to City Council.

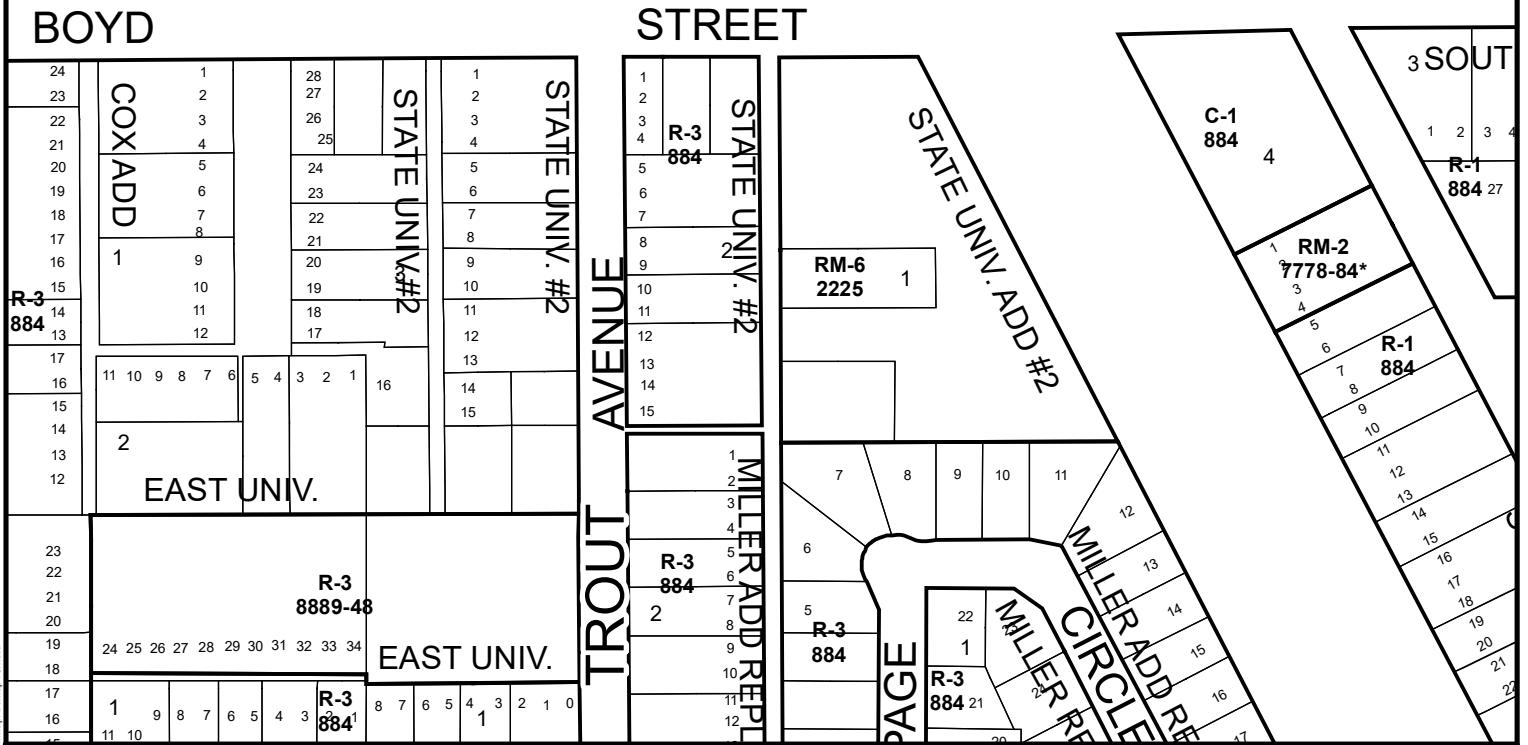
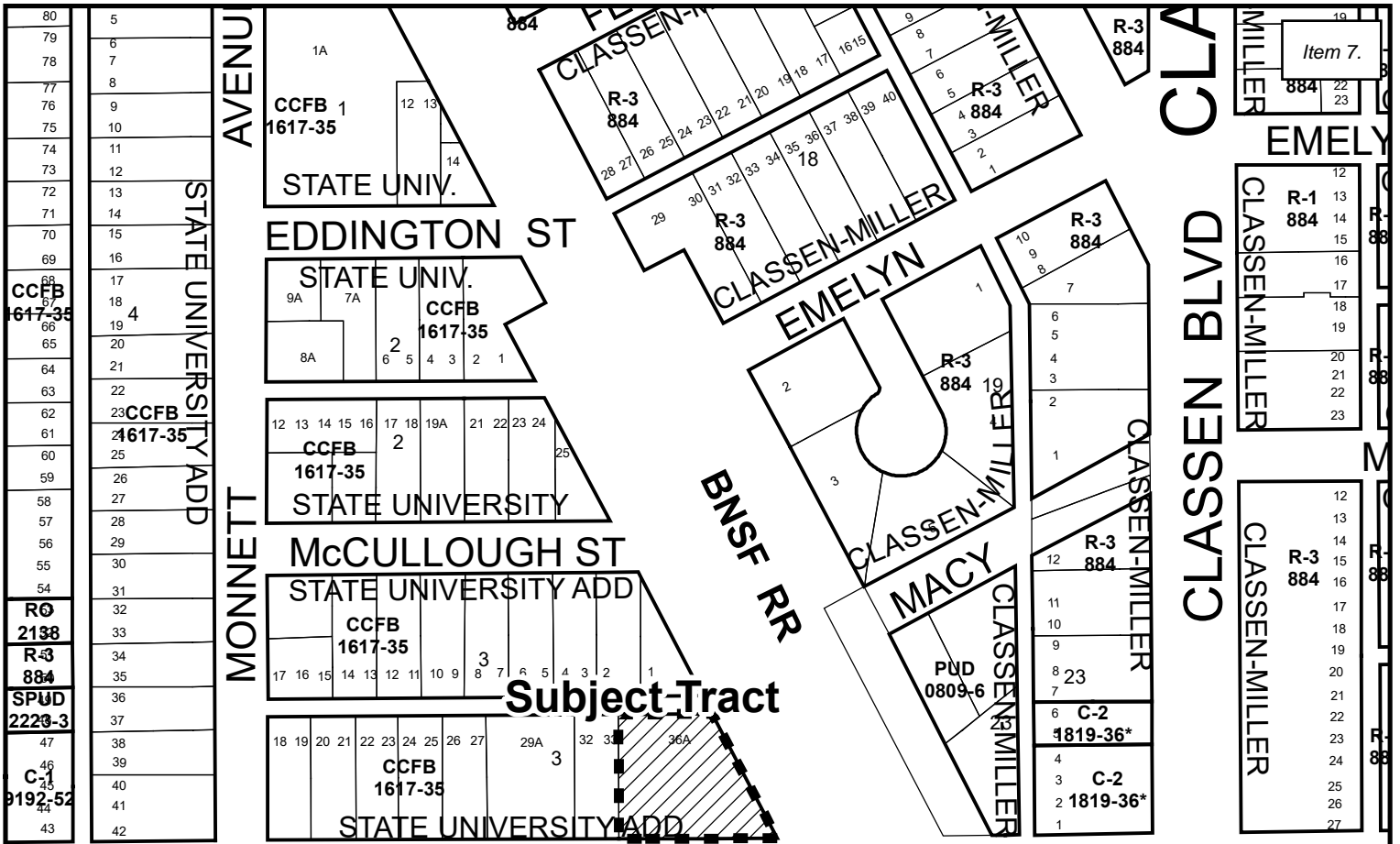
Voting Yea: Brewer, Bird, McClure, Griffith, Kindel, Jablonski

The motion to recommend adoption of Resolution No. R-2324-62, Ordinance No. O-2324-16, and PP-2324-6 to City Council passed by a vote of 6-0.

*

File Attachments for Item:

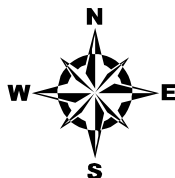
7. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-17 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF CHAPTER 36 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE LOTS THIRTY-FOUR (34), THIRTY-FIVE (35), THIRTY-SIX (36), THIRTY-SEVEN (37), AND THIRTY-EIGHT (38) OF THE STATE UNIVERSITY ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE CCFBC, CENTER CITY FORM-BASED CODE, AND PLACE SAME IN THE CCPUD, CENTER CITY PLANNED UNIT DEVELOPMENT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (305 E. BOYD STREET)



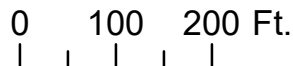
Location Map



Map Produced by the City of Norman Geographic Information System. The City of Norman assumes no responsibility for errors or omissions in the information presented.



September 6, 2023



Subject Tract

ORDINANCE NO. O-2324-17

ITEM NO. 7

STAFF REPORT

GENERAL INFORMATION

APPLICANT	CCR Boyd, L.L.C.
REQUESTED ACTION	Rezoning to CCPUD, Center City Planned Unit Development
EXISTING ZONING	Center City Form-Based Code, Urban General Frontage
SURROUNDING ZONING	North: CCFBC District, Urban Residential Frontage East: BNSF Railroad ROW South: University of Oklahoma West: CCFBC District, Urban General Frontage
LOCATION	305 E. Boyd Street
SIZE	0.454 acres, more or less
PURPOSE	Residential Townhomes
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Residential Apartments (under construction) East: BNSF Railroad ROW South: University of Oklahoma and Multi-Family Use West: Residential Duplex
LAND USE PLAN DESIGNATION	Low Density Residential

REQUEST SUMMARY/CCFBC EXCEPTIONS:

This is a request to rezone the area located at 305 E. Boyd Street, designated as Center City Form Based Code District, to a Center City Planned Unit Development (CCPUD), as outlined in Appendix B of the Center City Form-Based Code.

The proposal for this site is to construct seven (7) residential townhomes with each unit all a maximum of four (4) bedrooms for a total of twenty-eight (28) bedrooms for the site. Each three-story unit will have the living room and kitchen on the second floor with the first and the third floors each having two bedrooms. To provide additional privacy for the residents, the applicant is proposing the following: move the Required Building (RBL) to six (6') feet behind the property line, increase the finished floor elevation to thirty-six inches (36"), and provide recessed doors, stoops and balconies. The three-story, seven-unit structure consists of a total area of 7,835 square feet, as illustrated on Exhibit B, Site Development Plan. Open space will be provided on the north side of the building and through front balconies of the individual units. A total of twenty-five (25) parking spaces on-site are provided as shown on the Site Plan. An additional three parking spaces will be provided off-site at 221 E. Boyd Street.

BACKGROUND:

This is a CCPUD application moving forward to Planning Commission and City Council to request an amendment to the recently adopted Center City Form Based Code (CCFBC); many may not be aware of the extent and process that went into the preparation and review of the CCFBC; below is an overview for those not familiar with the process.

City Council approved a Memorandum of Understanding (MOU) between the City of Norman and the University of Oklahoma (OU) on January 14, 2014. The MOU set forth the terms and conditions that would govern the development of a Center City Master Plan/Visioning Project and outlined the responsibilities of the City of Norman and the University of Oklahoma.

The Center City Form-Based Code, which is the outcome of this Project, was generated and recommended through a Steering Committee. In addition, there was an Executive Subcommittee of the Steering Committee which was comprised of one representative from the City of Norman, one representative from the University of Oklahoma, and one citizen chosen jointly by the City of Norman and the University of Oklahoma.

The City Council moved forward with this project in cooperation with the University of Oklahoma for many reasons. Some of the reasons were that the current zoning regulations were not adequately handling the growing, modern demand for infill development in Norman's Center City area; that there was significant community disagreement about market-driven proposals for infill development; that the professional charrette process was the best technique available to articulate community-supported vision; and that building community support for a vision followed by development of land use regulations that allows the achievement of the vision will provide both community and investors' confidence and certainty. The results of the Charrette process became the foundation for an illustrated, well-articulated, community-supported vision for the future of the Center City area, Center City Form Based Code (CCFBC).

ZONING DISTRICTS INCLUDED IN THIS DOCUMENT:

Urban General – The basic urban street frontage, once common across the United States. The purpose is to develop multi-story buildings placed directly at the sidewalk or behind small dooryards.

Urban Residential – Same as the Urban General except that the uses are limited to residential and related support services.

Urban Storefront – Represents the prototypical “main street” form with shopfronts along sidewalk and a mix of uses above. A high level of pedestrian activity is anticipated. It is a subset of the Urban General frontage, with more specific requirements at the street level.

Detached – This frontage is represented by the traditional single-family house with small front, side and rear yards along tree-lined streets.

The CCFBC is composed of Building Form Standards and Public Space Standards mapped to a Regulating Plan.

Building Form Standards regulate simple things like: how far buildings are from sidewalks, how much window area at a minimum a building must have, how tall it is in relation to the width of the street, how accessible and welcoming front entrances are, and where a building's parking should be located. Building Form Standards require buildings to have windows and welcoming entries that contribute to life on the sidewalk and they require the placement of parking to the rear of buildings to ensure that it doesn't get between buildings and pedestrians. These standards require that buildings support and shape the public spaces of our city.

PARTICULARS OF THIS CCPUD:

The applicant is requesting this CCPUD in order to build a structure with seven residential townhomes as illustrated on the attached drawings. The applicant is able to comply with many of CCFBC requirements. However, due to the applicant's desire to provide setback from Boyd Street and to allow for more bedrooms per unit, the applicant is requesting the following modifications to the Center City Form Based Code, as follows:

1. Move the Required Building Line (RBL) along Boyd Street from three feet (3') behind the property line to six feet (6') behind the property line. Staff would note that City Council adopted a new CCFBC Regulating Map on August 22, 2023 that moved the RBL from nine feet (9') to three feet (3'). This change became effective September 22, 2023. The applicant submitted for Planning Commission on September 1, 2023.
2. Allow a maximum of four (4) bedrooms per unit.
3. Increase the allowed offset from the RBL from twenty-four inches (24") to a maximum of sixty inches (60") to allow for recessed door, stoops, balconies and entry doors.
4. Request to eliminate the fenestration requirements for the eastside building façade.
5. Remove the east side RBL.
6. Eliminate the requirement for Street Trees. The applicant is proposing additional landscaping behind the structures with amenities such as grills, picnic tables as well as a “dog park” area for tenants.
7. The applicant is proposing one bike rack per unit, for a total of seven (7) racks, whereas only three bike racks are required for the site.

OTHER AGENCY COMMENTS:

PRE-DEVELOPMENT: There were not any attendees at the Pre-Development Meeting. However, there were three attendees at the 221 E. Boyd Street that occurred immediately prior to this proposal's pre-development meeting. At that meeting, attendees asked questions pertaining to both requested CCPUDs. In particular, attendees wanted clarification on the number of units and bedrooms as well as the location of the dumpster. An attendee asked for the reason for the CCPUD request.

GREENBELT COMMISSION MEETING: No meeting was required for this application.

PARK BOARD: Parkland dedication is not required for this application.

PUBLIC WORKS: No Comments.

UTILITIES: The use of a dumpster will eliminate the numerous polycarts that would be required for service to this location. Recycling will be through regional recycling centers.

CONCLUSION: Staff forwards this request and Ordinance No. O-2324-17 to Planning Commission for consideration and a recommendation to the City Council.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: CCR Boyd, L.L.C.

PRESENTER: Jane Hudson, Director of Planning & Community Development

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-17 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF CHAPTER 36 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE LOTS THIRTY-FOUR (34), THIRTY-FIVE (35), THIRTY-SIX (36), THIRTY-SEVEN (37), AND THIRTY-EIGHT (38) OF THE STATE UNIVERSITY ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE CCFBC, CENTER CITY FORM-BASED CODE, AND PLACE SAME IN THE CCPUD, CENTER CITY PLANNED UNIT DEVELOPMENT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (305 E. BOYD STREET)

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rear of buildings to ensure that it doesn't get between buildings and pedestrians. These standards require that buildings support and shape the public spaces of our city.

PARTICULARS OF THIS CCPUD:

The applicant is requesting this CCPUD in order to build a structure with seven residential townhomes as illustrated on the attached drawings. The applicant is able to comply with many of CCFBC requirements. However, due to the applicant's desire to provide setback from Boyd Street and to allow for more bedrooms per unit, the applicant is requesting the following modifications to the Center City Form Based Code, as follows:

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7. The applicant is proposing one bike rack per unit, for a total of seven (7) racks, whereas only three bike racks are required for the site.

OTHER AGENCY COMMENTS:

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However, there were three attendees at the 221 E. Boyd Street that occurred immediately prior to this proposal's pre-development meeting. At that meeting, attendees asked questions pertaining to both requested CCPUDs. In particular, attendees wanted clarification on the number of units and bedrooms as well as the location of the dumpster. An attendee asked for the reason for the CCPUD request.

GREENBELT COMMISSION MEETING: No meeting was required for this application.

PARK BOARD: Parkland dedication is not required for this application.

PUBLIC WORKS: No Comments.

UTILITIES: The use of a dumpster will eliminate the numerous polycarts that would be required for service to this location. Recycling will be through regional recycling centers.

CONCLUSION: Staff forwards this request and Ordinance No. O-2324-17 to City Council for consideration.

At their October 12, 2023 meeting, Planning Commission recommended approval of Ordinance No. 2324-17 to City Council, by a vote of 4-2.

O-2324-17

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF CHAPTER 36 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE LOTS THIRTY-FOUR (34), THIRTY-FIVE (35), THIRTY-SIX (36), THIRTY-SEVEN (37), AND THIRTY-EIGHT (38) OF THE STATE UNIVERSITY ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE CCFBC, CENTER CITY FORM-BASED CODE, AND PLACE SAME IN THE CCPUD, CENTER CITY PLANNED UNIT DEVELOPMENT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (305 E. Boyd Street)

- § 1. WHEREAS, CCR Boyd, L.L.C., the owners of the hereinafter described property, have made application to have the subject property removed from the CCFBC, Center City Form-Based Code, and placed in the CCPUD, Center City Planned Unit Development; and
- § 2. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing on October 12, 2023 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 36-201 of Chapter 36 of the Code of the City of Norman, Oklahoma, is hereby amended so as to remove the following described property from the CCFBC, Center City Form-Based Code, and place the same in the CCPUD, Center City Planned Unit Development, to wit:

A tract of land being Lot Thirty Four (34), Thirty Five (35), Thirty Six (36), Thirty Seven (37), and Thirty Eight (38) of the State University Addition to Norman Cleveland County, Oklahoma and being more particularly described as follows:

Beginning at the Southeast corner of said Lot 38; Thence West a distance of 178.10 feet to the Southwest corner of said Lot 34; Thence North a distance of 139.95 feet to the Northwest corner of said Lot 34; Thence East a distance of 105.13 feet to the Northeast corner of said Lot 38; Thence South 27" 32' East a distance of 157.83 feet to the Point of Beginning;

Said parcel of land contains 0.454 Acres or 19,818 Sq. Ft., more or less.

Ordinance No. O-2324-17
Page 2

§ 5. Further, pursuant to the provisions of Section 36-540 Appendix B 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 CCPUD Narrative and the Site Development Plan and supporting documentation, which are made a part hereof.

§ 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 _____, 2023.

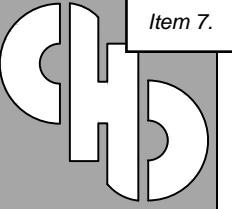
NOT ADOPTED this _____ day of _____, 2023.

(Mayor)

(Mayor)

ATTEST:

(City Clerk)



Item 7.

creative home designs

100 N. BROADWAY
SUITE 100
EDMOND, OK 73034
405-270-6417

6112 S. MEMORIAL
TULSA, OK 74133
918-943-5154

120 E. TONHAWA
SUITE 103
NORMAN, OK 73069
405-857-9059

creativehomedesigners.com

BOYD ST
DEVOPMENT

10/9/2023

NL

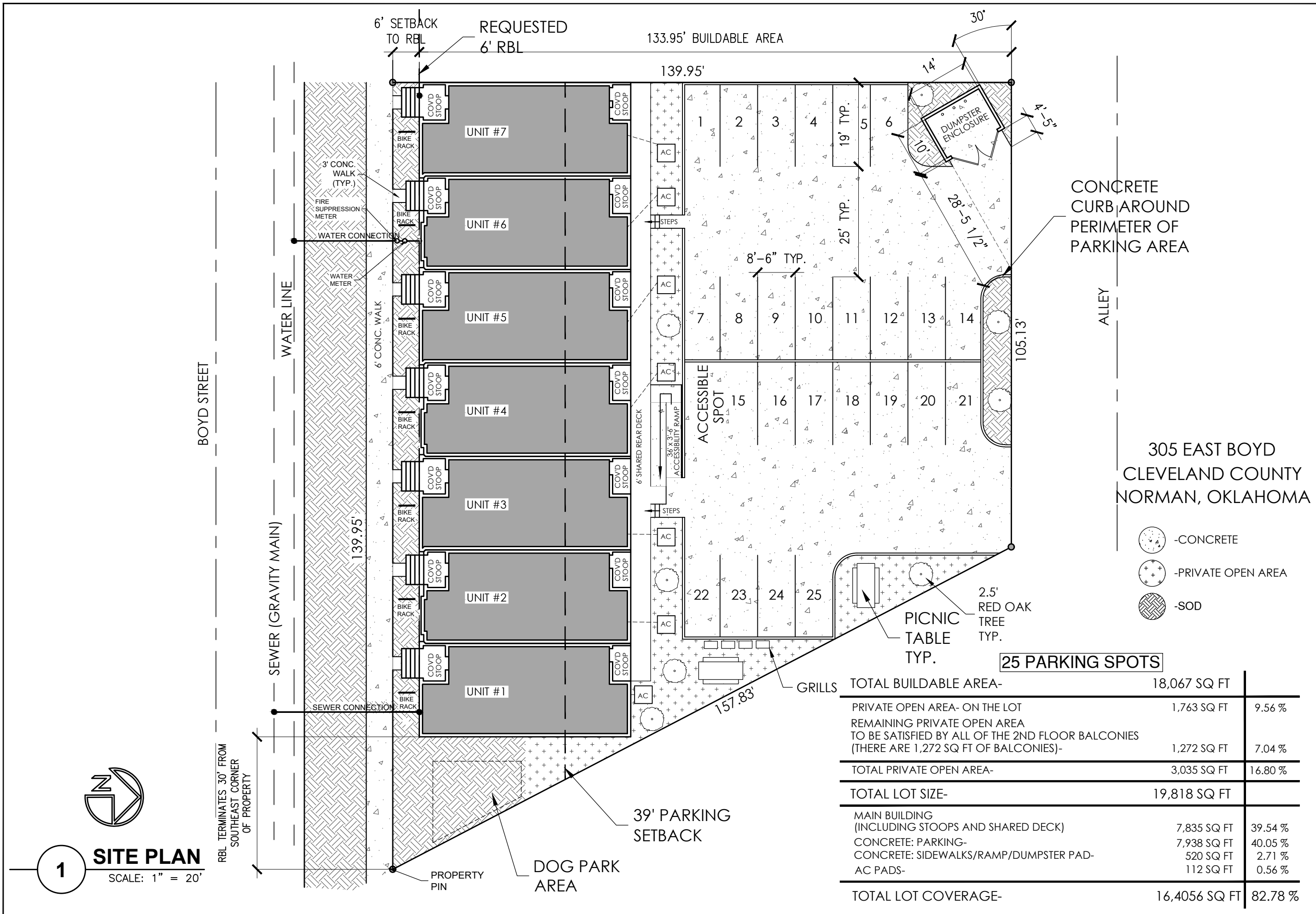
BUILDING ADDRESS

SQUARE FOOTAGE

SITE PLAN

S102

103



CONCRETE CURB AROUND PERIMETER OF PARKING AREA

305 EAST BOYD
CLEVELAND COUNTY
NORMAN, OKLAHOMA

- CONCRETE
- PRIVATE OPEN AREA
- SOD

25 PARKING SPOTS

TOTAL BUILDABLE AREA-	18,067 SQ FT	
PRIVATE OPEN AREA- ON THE LOT	1,763 SQ FT	9.56 %
REMAINING PRIVATE OPEN AREA TO BE SATISFIED BY ALL OF THE 2ND FLOOR BALCONIES (THERE ARE 1,272 SQ FT OF BALCONIES)-	1,272 SQ FT	7.04 %
TOTAL PRIVATE OPEN AREA-	3,035 SQ FT	16.80 %
TOTAL LOT SIZE-	19,818 SQ FT	
MAIN BUILDING (INCLUDING STOOPS AND SHARED DECK)	7,835 SQ FT	39.54 %
CONCRETE: PARKING-	7,938 SQ FT	40.05 %
CONCRETE: SIDEWALKS/RAMP/DUMPSTER PAD-	520 SQ FT	2.71 %
AC PADS-	112 SQ FT	0.56 %
TOTAL LOT COVERAGE-	16,406 SQ FT	82.78 %

1 SITE PLAN
SCALE: 1" = 20'

RBL TERMINATES 30' FROM SOUTHEAST CORNER OF PROPERTY

PROPERTY PIN

DOG PARK AREA

39' PARKING SETBACK

GRILLS

PICNIC TABLE TYP.
2.5' RED OAK TREE TYP.

25 PARKING SPOTS

TOTAL BUILDABLE AREA-	18,067 SQ FT	
PRIVATE OPEN AREA- ON THE LOT	1,763 SQ FT	9.56 %
REMAINING PRIVATE OPEN AREA TO BE SATISFIED BY ALL OF THE 2ND FLOOR BALCONIES (THERE ARE 1,272 SQ FT OF BALCONIES)-	1,272 SQ FT	7.04 %
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TOTAL LOT COVERAGE-	16,406 SQ FT	82.78 %

305 E Boyd St.

A Center City Planned Unit Development

Applicant: CCR Boyd, LLC

Application for:

Center City Planned Unit Development

Submitted September 1, 2023

Revised October 9, 2023

PREPARED BY:

RIEGER LAW GROUP PLLC

136 Thompson Drive

Norman, Oklahoma 73069

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- B. Development Team

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

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

- A. Permissible Uses
- B. Development Criteria
- C. CCFBC Variances

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- A. Legal Description of the Property
- B. Site Development Plan
- C. Allowable Uses
- D. Exterior Elevations

I. INTRODUCTION

A. **Background and Intent.** This Center City Planned Unit Development (“CCPUD”) is proposed by CCR Boyd, LLC (the “Applicant”) for the property located at 305 E. Boyd St., Norman, Oklahoma, more particularly described on Exhibit A (the “Property”). The Property contains approximately 0.454 acres. This CCPUD is intended to put forth the parameters for the development of the Property to allow for the construction of a multi-family structure with up to seven (7) residential units with a maximum of four (4) bedrooms per unit. This CCPUD will allow for a relaxation of the CCFBC’s specific development and design criteria applicable to the Property in order to allow the Applicant to utilize the site for a higher density multifamily structure with leasable units which are needed close to the University of Oklahoma campus, while maintaining adequate pervious coverage and parking on the Property.

B. **Development Team.** The Applicant and owner of the Property is CCR Boyd, LLC. The architect for the project is Nathan Lofties, with Creative Home Designs.

II. PROPERTY DESCRIPTION/GENERAL SITE CONDITIONS

A. **Location.** The Property is an approximately 19,818 square foot parcel located North of E. Boyd St. and West of the railroad right-of-way. The specific location is illustrated on the Site Development Plan, attached hereto as Exhibit B.

B. **Existing Land Use and Zoning.** The Property is located in the Center City Form Based Code (“CCFBC”) District, Urban General BFS. The Property is currently vacant.

C. **Elevation and Topography.** The Property is essentially flat with little to no elevation change throughout.

D. **Drainage.** The Property is generally flat and drains to Boyd Street and the alleyway on the North.

E. **Utility Services.** All necessary utilities for this project (including water, sewer, gas, telecommunications, and electric) are currently located within the necessary proximity to serve the Property, or they will be extended by the Applicant, as necessary.

F. **Fire Protection Services.** Fire protection services will be provided by the City of Norman Fire Department and by the owner of the Property where required by building and fire protection codes in the structures.

G. **Traffic Circulation and Access.** Boyd Street is located on the South boundary of the Property and the public alleyway is located along the North boundary of the Property. Vehicle access is currently gained from an existing driveway off of Boyd Street, which will be removed under this CCPUD. The public sidewalk is located

along Boyd Street. Traffic access and circulation will be allowed in the manner depicted on the Site Development Plan. The Property will be accessed from the alley.

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

The Property shall be developed in compliance with the terms of this CCPUD and the exhibits attached hereto and incorporated herein by reference, subject to adjustments or modifications allowed pursuant to Appendix B, Section 520(F), Administration, of the CCFBC, as may be amended from time to time.

A. Allowable Uses.

A list of the allowable uses for the Property is attached hereto as Exhibit C.

B. Development Criteria.

1. **Siting.** The proposed Site Development Plan for the Property is concurrently submitted with this CCPUD as Exhibit B and shall be incorporated herein as an integral part of this CCPUD. The Property shall be developed in substantial conformance with the Site Development Plan, subject to adjustments or modifications allowed pursuant to Appendix B Section 520(F), Administration, of the CCFBC, as may be amended from time to time. The Required Building Line (“**RBL**”) along the Property’s Boyd Street frontage shall be six (6’) feet from the front property line as shown on the attached Site Development Plan. Due to the triangular shape of the Property and the lack of established street frontage adjacent to railroad right-of-way, the RBL along the Property’s Boyd Street frontage shall terminate at thirty feet (30’) from the southeast corner of the Property, as shown on the Site Development Plan, and there shall be no RBL along the east side of the Property.
2. **Building Height.** The buildings to be constructed on the Property are planned to be three (3) stories, as shown on the proposed elevations attached as Exhibit D. As shown on the proposed elevations, the finished floor height may be raised up to 36”.
3. **Elements.** The Property shall be built in accordance with the terms of this CCPUD and the exhibits hereto. Exterior materials shall comply with the requirements of Section 402(J), Architectural Materials (exteriors), of the CCFBC, as may be amended from time to time. Fenestration is only required along Boyd Street frontage. Fenestration for Boyd Street frontage shall be a minimum of 33% on ground story and 20% for upper stories. To break down the scale of the buildings and provide a better pedestrian experience, the facades along Boyd Street will have at least two different materials, a ground story

configuration different from the upper story and at least 2 different bay configurations. The Boyd Street RBL shall have an offset depth of a maximum of 60 inches behind the RBL to accommodate the proposed recessed doors and stoops.

4. **Sanitation.** A trash dumpster will be utilized on the Property in the location indicated on the Site Development Plan. It is the intent that the dumpster will be shared with the development to be constructed at 221 E. Boyd.
5. **Signage.** All signage for the Property shall comply with Section 402(N), Signage, of the CCFBC, as amended thereafter.
6. **Traffic access and sidewalks.** Traffic circulation and access to the Property shall be allowed in the manner shown on the Site Development Plan. In order to keep the streetscape pedestrian friendly and usable, street trees and streetlights shall not be required along the Property's Boyd Street frontage.
7. **Lighting.** The project shall comply with the requirements of the CCFBC under Section 402(O), Lighting & Mechanical, as amended thereafter.
8. **Open Space.** Open space will be located on the Property in the locations depicted on the attached Site Development Plan. Consistent with the Property's CCFBC designation of Urban General, the Property shall have a maximum of 85% impervious coverage. Open space areas are allowed to be located in noncontiguous areas on the Property.
9. **Parking.** Parking is provided in the manner shown on the attached Site Development Plan. The Applicant will provide one parking space per bedroom, with the use of three (3) off-site parking spaces from 221 E. Boyd Street. One bike rack per unit will be provided as shown on the Site Development Plan.
10. **Landscaping.** In order to keep the streetscape pedestrian friendly and usable, street trees and streetlights will not be required for development of the Property under this CCPUD. Landscaping will be provided in substantial compliance with the Site Development Plan. Final landscaping types, quantities, and locations may change during final design and construction. Any trees to be planted shall be of a species that is listed in Section 506 of the CCFBC, as amended thereafter, or otherwise approved by the City of Norman Forester, City of Norman Ordinance, or appropriate City of Norman staff member.
11. **Drainage.** The Property will meet or exceed all applicable drainage ordinances. Drainage will be directed into the existing storm sewer main on Boyd Street and to the alleyway on the north of the Property.

12. Fencing. Fencing with a maximum height of eight (8') feet is permissible but not required on the Property.

C. CCFBC Variances.

The Property shall be developed in accordance with the terms of this CCPUD and the exhibits attached hereto and incorporated by reference. For convenience purposes, a summary of the variances sought from the CCFBC follows:

1. **RBL Modification.** The RBL has been modified to six (6') feet due to the presence of overhead powerlines and to provide the residents with additional privacy from the adjacent public right-of-way. The adjustment also ensures that front doors will not encroach within the public right-of-way. Additionally, due to the triangular shape of the Property and the lack of established street frontage adjacent to railroad right-of-way, there shall be no RBL along the east side of the Property.
2. **Four Bedrooms Per Unit.** Each unit is allowed to contain a maximum of four bedrooms as this is an area that is appropriate for added density. This CCPUD will allow for a development that can provide thoughtfully designed residential units closely located to the University of Oklahoma, which is much needed.
3. **Streetscape.** Street trees and streetlights will not be required on this Property. This will help keep the Boyd streetscape pedestrian friendly due to the proximity of the RBL to the right-of-way and the existence of driveways on other properties on this block. Bike racks will be installed on the Property.
4. **Open Space.** Open space areas are not required to be contiguous on the Property.
5. **Elements.** An additional 36 inches of offset from the Boyd Street RBL is being requested to allow the proposed recessed entries and covered stoops for a total maximum offset depth of five (5') feet.

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

LEGAL DESCRIPTION

LOT 36A
STATE UNIVERSITY ADDITION
NORMAN, CLEVELAND COUNTY, OKLAHOMA

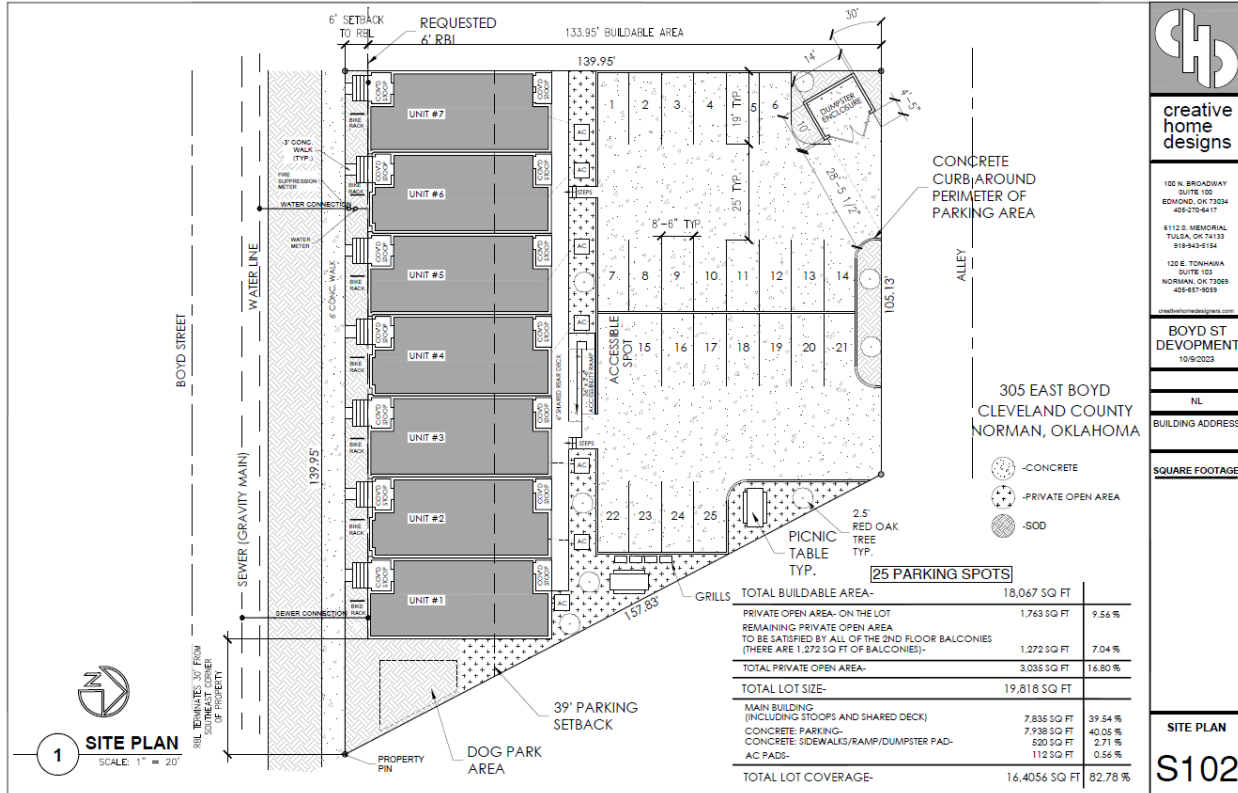
A tract of land being Lot Thirty Four (34), Thirty Five (35), Thirty Six (36), Thirty Seven (37), and Thirty Eight (38) of the State University Addition to Norman Cleveland County, Oklahoma and being more particularly described as follows:

*Beginning at the Southeast corner of said Lot 38;
Thence West a distance of 178.10 feet to the Southwest corner of said Lot 34;
Thence North a distance of 139.95 feet to the Northwest corner of said Lot 34;
Thence East a distance of 105.13 feet to the Northeast corner of said Lot 38;
Thence South 27° 32' East a distance of 157.83 feet to the Point of Beginning;*

Said parcel of land contains 0.454 Acres or 19,818 Sq. Ft., more or less.

EXHIBIT B

PROPOSED SITE DEVELOPMENT PLAN
Full Size PDF Documents Submitted to City Staff



creative home designs

102 N. BROADWAY
 SUITE 100
 EDMOND, OK 73044
 405-770-5417

6112 S. MEMORIAL
 TULSA, OK 74133
 918-942-6154

102 E. TOMAHAWK
 SUITE 103
 NORMAN, OK 73069
 405-851-0028

BOYD ST DEVELOPMENT
 10/9/2022

NL

BUILDING ADDRESS

SQUARE FOOTAGE

S102

**EXHIBIT C
ALLOWABLE USES**

Allowable Uses:

Ground Story:

The Ground Story may house commerce, professional services or residential uses.

Upper Stories:

The Upper Stories may only house Residential or Commerce uses. No restaurant or retail sales uses shall be allowed in Upper Stories unless they are second story extensions equal to or less than the area of the Ground Story use. No commerce use, except for permitted rooftop restaurants, is permitted above a residential use. Additional habitable space is permitted within the roof where the roof is configured as an attic story.

Residential Dwelling Units:

The Property may contain seven (7) units with a maximum of four (4) bedrooms per unit, totaling twenty-eight (28) bedrooms on the Property.

Use Table

The use table included below, as may be amended from time to time, identifies the uses allowed within this CCPUD. References to Additional Regulations refer to provisions of the CCFBC (as such may be amended from time to time) and shall be applied to the Property if such use is requested on the Property, except that no additional regulations will be applied to any Residential Uses on the Property.

USE CATEGORY		Urban General		Additional Regulations
		Ground Story	Upper Story	
RESIDENTIAL	Household Living	✓	✓	Sec. 704.B.1-2; 704. J, K.
	Group Living		✓	
COMMERCE	Office	✓	✓	Sec. 704.D.1-2
	Overnight Lodging	✓	✓	Sec. 704.E.1-3
	Recreation/Entertainment	✓	✓	Sec. 704.F.1-5
	Vehicle Sales	✓	✓	Sec. 704.F.6
	Passenger Terminal	✓		
	Child Care Center	✓	✓	See Part 9. Definitions
	Family Day Care Home	✓	✓	See Part 9. Definitions
	Retail Sales & Service	✓	✓	Sec. 704.F.2, 6, 7
	Restaurant/Bar/Lounge/Tavern	✓	✓	Sec. 704.F.1-5
	Art Studio/Artisinal Manufacturing	✓	✓	Sec. 704.F.7
	Research & Development	✓	✓	
	Self-service storage		✓	
	Auto Repair	✓		Sec. 704.G.
CIVIC	See Part 9. Definitions		✓	Sec. 704.C.

Key: ✓ = Permitted Blank Cell = Not Permitted

EXHIBIT D

PROPOSED EXTERIOR ELEVATIONS Full Size PDF Documents Submitted to City Staff



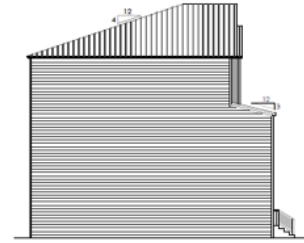
FRONT ELEVATION OF ENTIRE BUILDING
1/8"=1'-0"



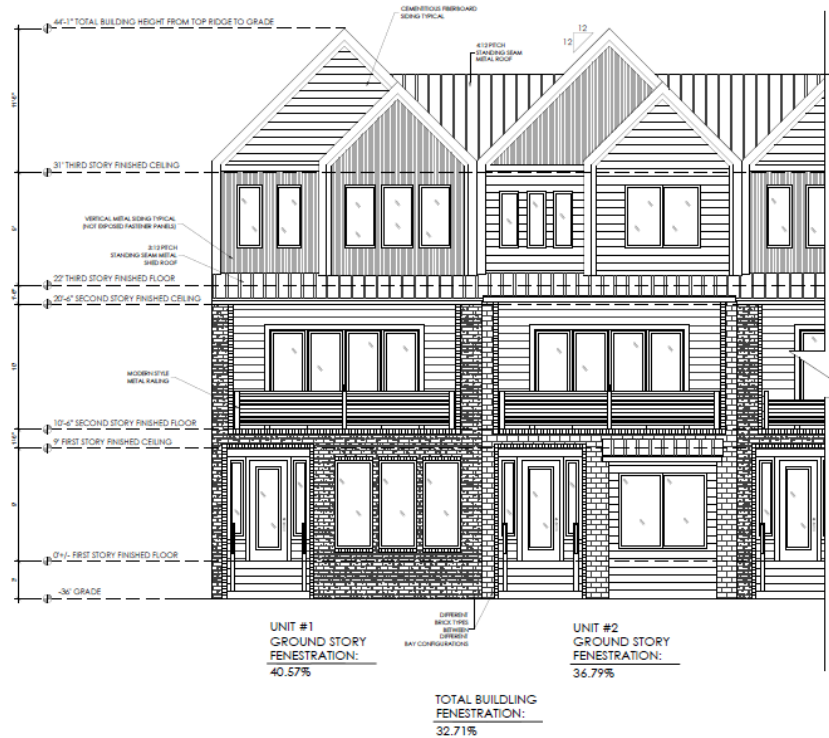
RIGHT ELEVATION
1/8"=1'-0"



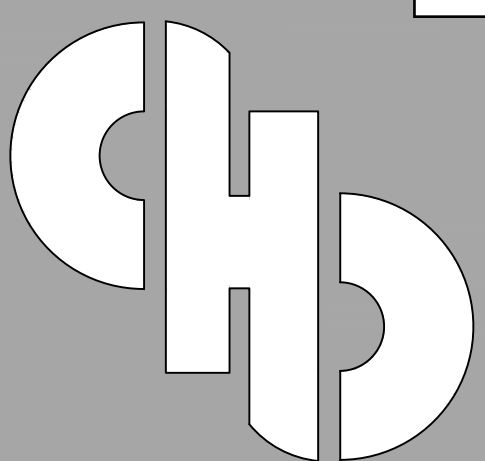
REAR ELEVATION OF ENTIRE BUILDING
1/8"=1'-0"



LEFT ELEVATION
1/8"=1'-0"



FRONT ELEVATION OF TWO TYPICAL UNITS
1/4"=1'-0"



creative home designs

100 N. BROADWAY
SUITE 100
EDMOND, OK 73034
405-270-6417

6112 S. MEMORIAL DR
TULSA OK 74133
918-943-5154

120 E. TONHAWA ST
SUITE 103
NORMAN, OK 73069
405-857-9059

CHD.DESIGN

BOYD ST
DEVELOPMENT

REVISED 9-19-2023

NL

WOODS

BUILDING ADDRESS

221 E. BOYD ST. &
305 E. BOYD ST.
NORMAN, OK

SQUARE FOOTAGE

COVER

COV

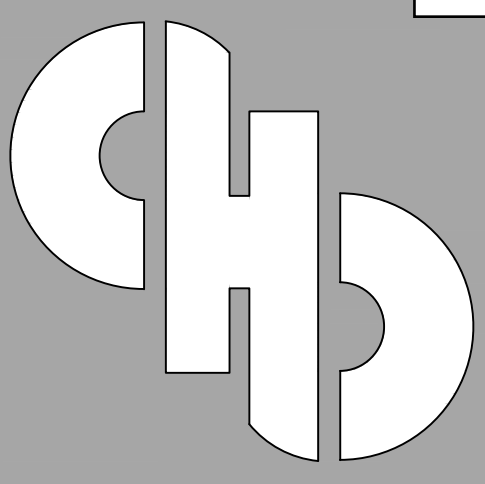


BOYD STREET DEVELOPMENT

221 EAST BOYD ST- 11,856 SQ FT
5 UNITS, 20 BEDROOMS

305 EAST BOYD ST- 17,651 SQ FT
7 UNITS, 28 BEDROOMS





creative home designs

100 N. BROADWAY SUITE 100 EDMOND, OK 73034 405-270-6417

6112 S. MEMORIAL DR TULSA OK 74133 918-943-5154

120 E. TONHAWA ST SUITE 103 NORMAN, OK 73069 405-857-9059

CHD.DESIGN

BOYD ST DEVELOPMENT

REVISED 9-19-2023

NL

WOODS

BUILDING ADDRESS

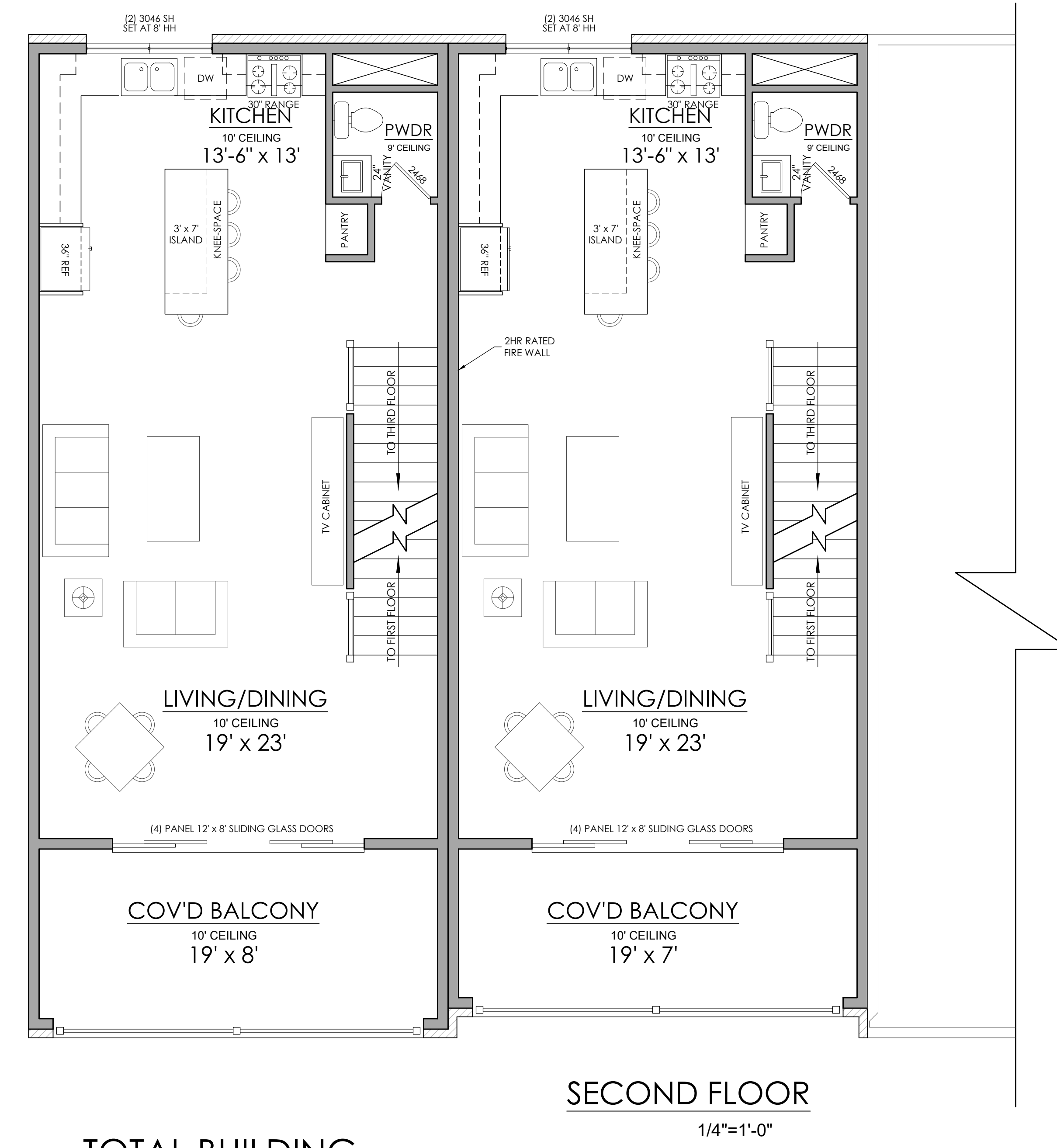
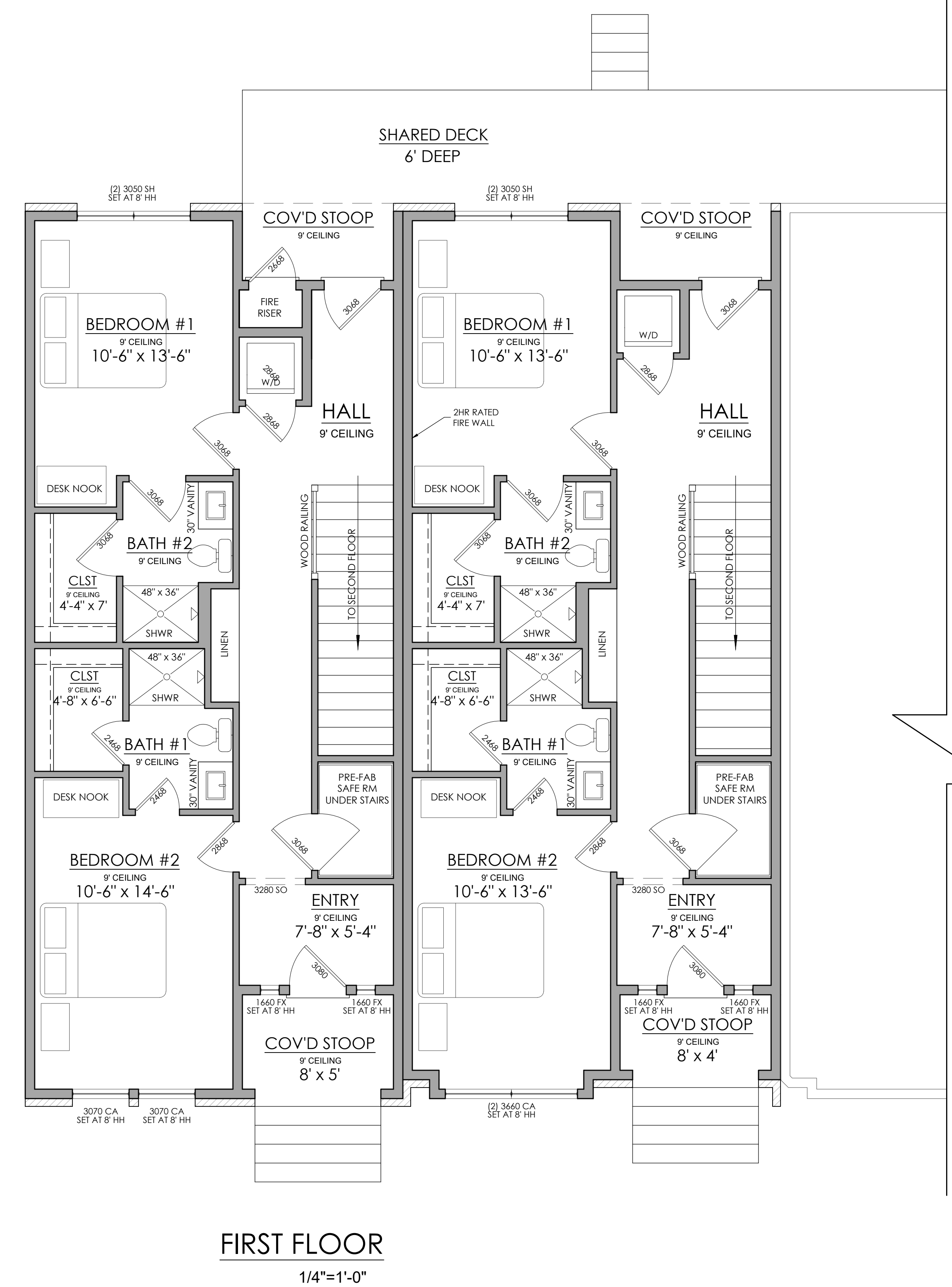
221 E. BOYD ST. NORMAN, OK

SQUARE FOOTAGE

11,856 SQ FT

FLOORPLAN

A101



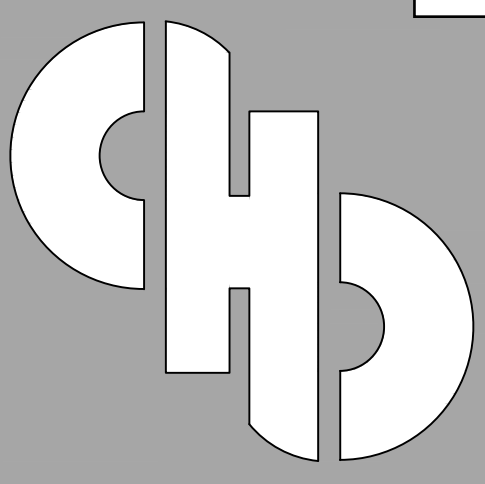
UNIT #1 TYPICAL FOOTAGE

TOTAL-	2,374 SQ FT
FIRST FLOOR-	872 SQ FT
SECOND FLOOR-	777 SQ FT
THIRD FLOOR-	725 SQ FT

UNIT #2 TYPICAL FOOTAGE

TOTAL-	2,367 SQ FT
FIRST FLOOR-	865 SQ FT
SECOND FLOOR-	777 SQ FT
THIRD FLOOR-	725 SQ FT

TOTAL BUILDING 11,856 SQ FT



creative home designs

100 N. BROADWAY SUITE 100 EDMOND, OK 73034 405-270-6417

6112 S. MEMORIAL DR TULSA OK 74133 918-943-5154

120 E. TONHAWA ST SUITE 103 NORMAN, OK 73069 405-857-9059

CHD.DESIGN

BOYD ST DEVELOPMENT

REVISED 9-19-2023

NL

WOODS

BUILDING ADDRESS

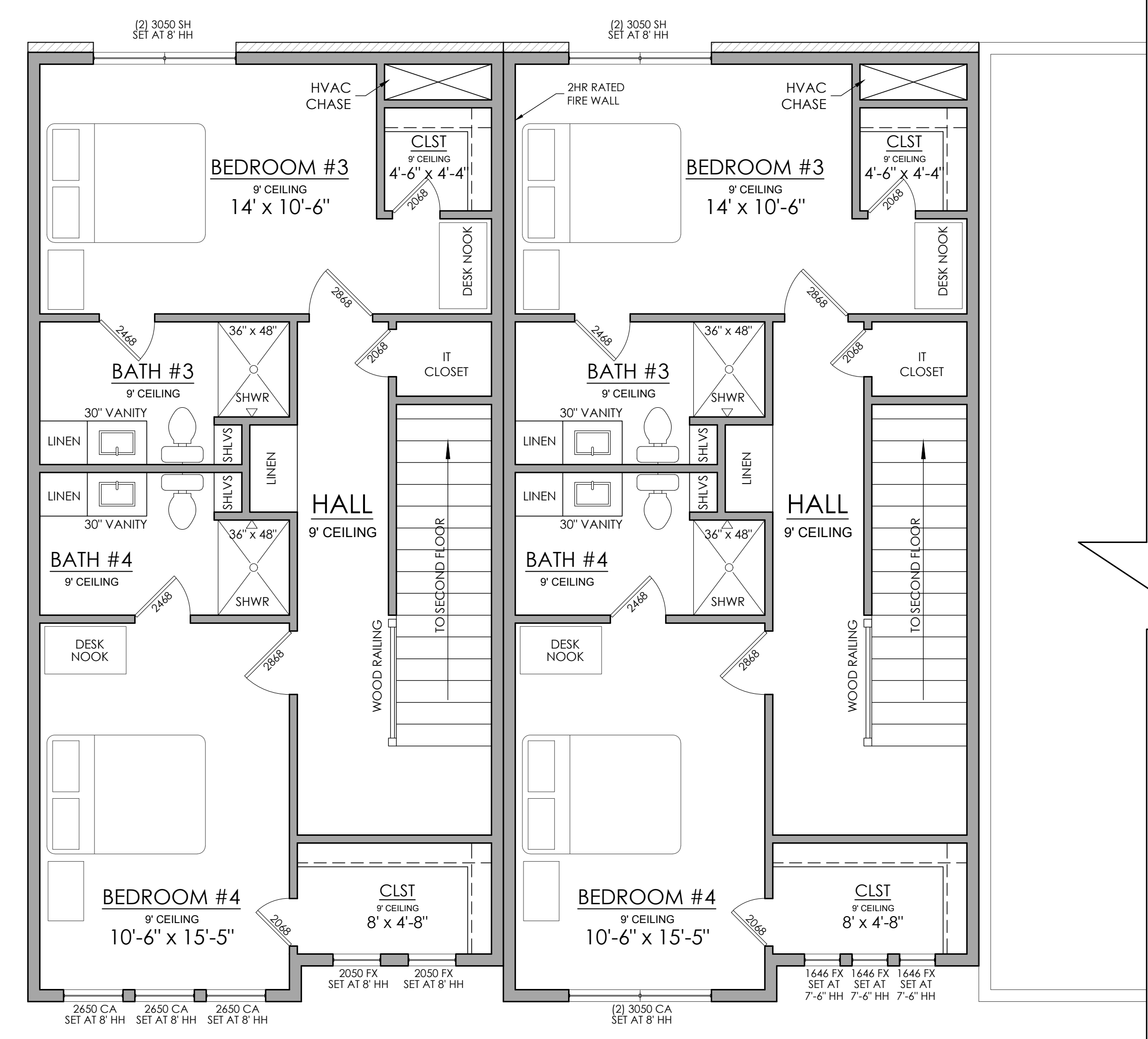
221 E. BOYD ST. NORMAN, OK

SQUARE FOOTAGE

11,856 SQ FT

FLOORPLAN/ ELEVATION

A102

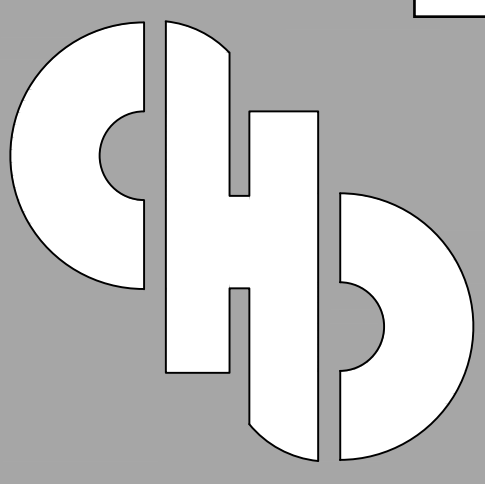


THIRD FLOOR 1/4"=1'-0"



UNIT #1 GROUND STORY FENESTRATION: 33.91% UNIT #2 GROUND STORY FENESTRATION: 39%

TOTAL BUILDING FRONT ELEVATION OF TWO TYPICAL UNITS 1/4"=1'-0"



creative home designs

100 N. BROADWAY
SUITE 100
EDMOND, OK 73034
405-270-6417

6112 S. MEMORIAL DR
TULSA OK 74133
918-943-5154

120 E. TONHAWA ST
SUITE 103
NORMAN, OK 73069
405-857-9059

CHD.DESIGN

BOYD ST
DEVELOPMENT

REVISED 9-19-2023

NL

WOODS

BUILDING ADDRESS

221 E. BOYD ST.
NORMAN, OK

SQUARE FOOTAGE

11,856 SQ FT

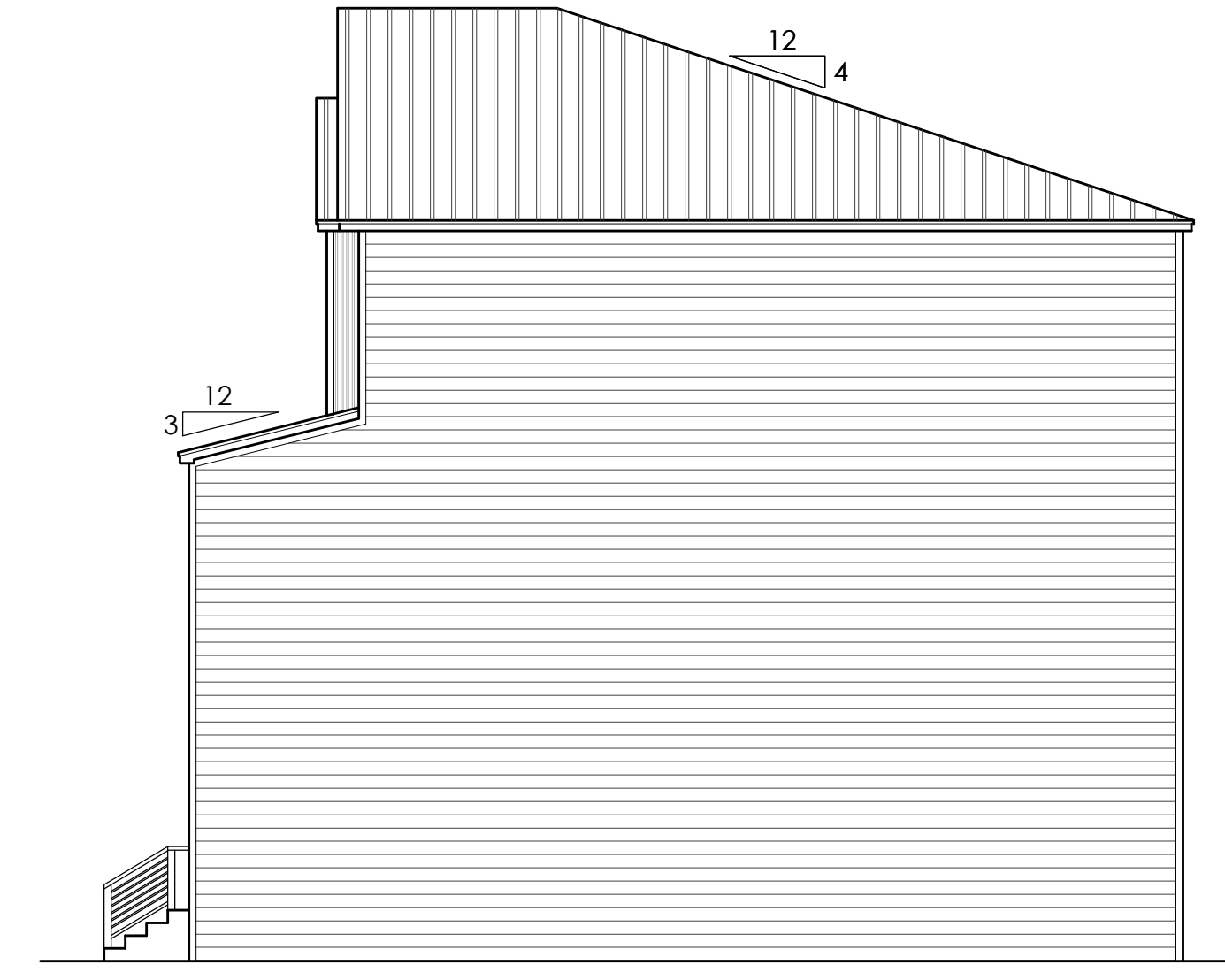
ELEVATIONS

A201



FRONT ELEVATION OF ENTIRE BUILDING

1/8"=1'-0"



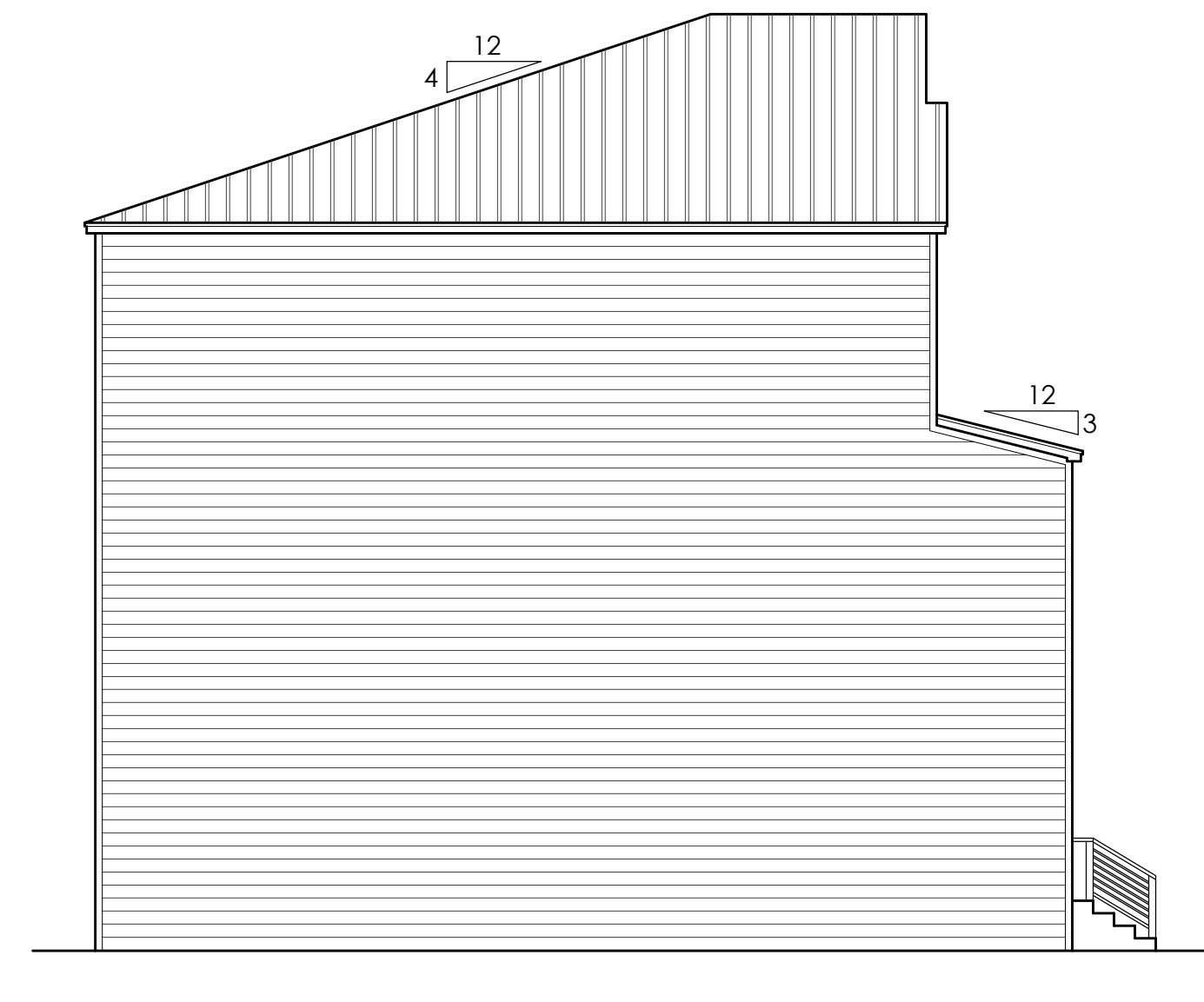
RIGHT ELEVATION

1/8"=1'-0"



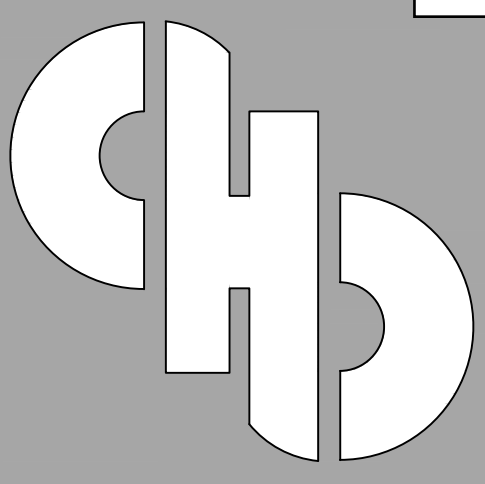
REAR ELEVATION OF ENTIRE BUILDING

1/8"=1'-0"



LEFT ELEVATION

1/8"=1'-0"



**creative
home
designs**

100 N. BROADWAY
SUITE 100
EDMOND, OK 73034
405-270-6417

6112 S. MEMORIAL DR
TULSA OK 74133
918-943-5154

120 E. TONHAWA ST
SUITE 103
NORMAN, OK 73069
405-857-9059

CHD.DESIGN

**BOYD ST
DEVELOPMENT**

REVISED 9-19-2023

NL

WOODS

BUILDING ADDRESS

305 E. BOYD ST.
NORMAN, OK

SQUARE FOOTAGE

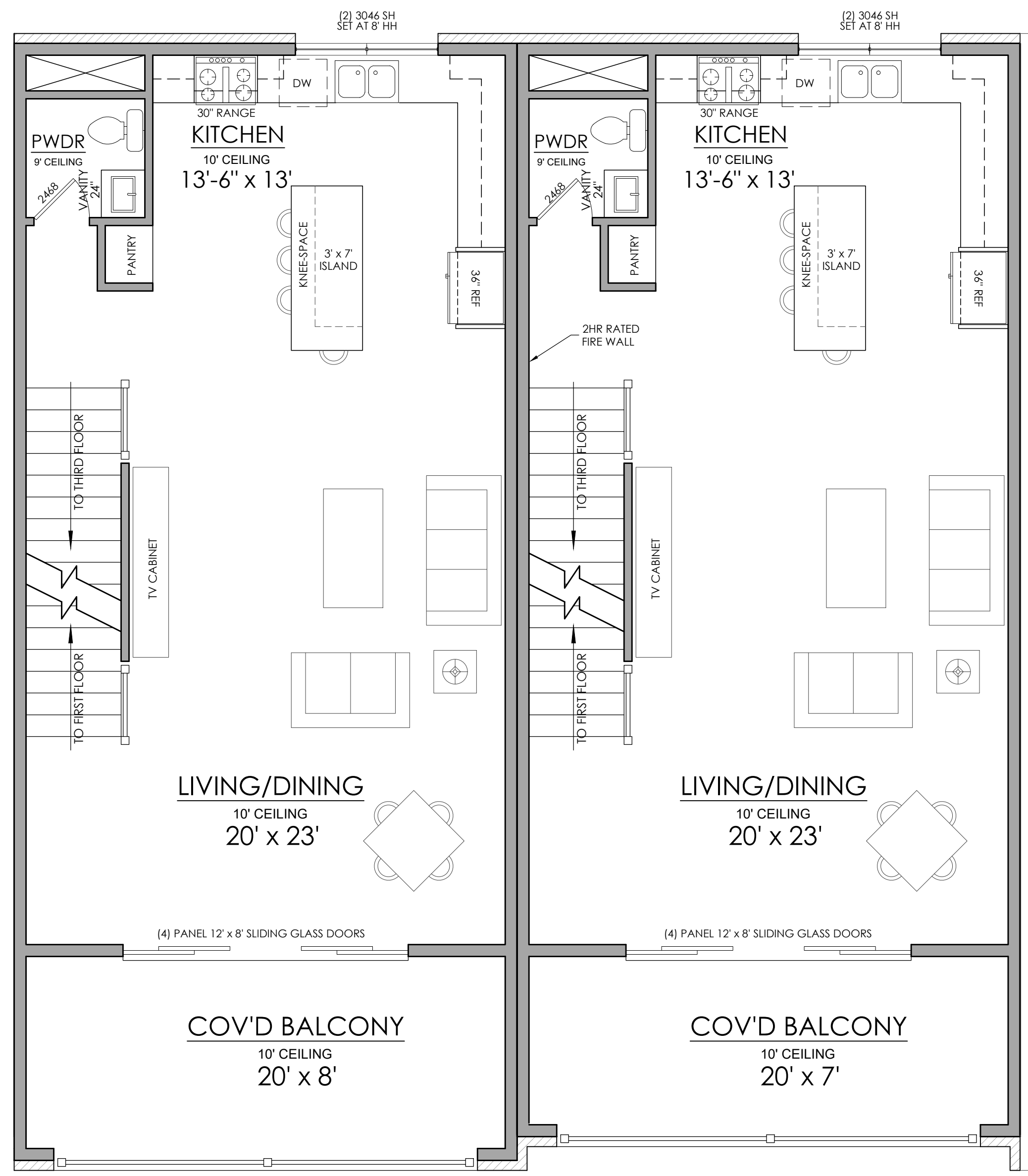
17,651 SQ FT

FLOORPLAN

A101



FIRST FLOOR
1/4"=1'-0"



SECOND FLOOR
1/4"=1'-0"

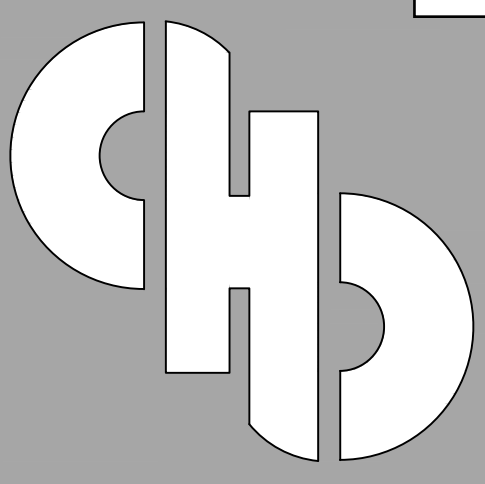
TOTAL BUILDING
17,651 SQ FT

UNIT #1 TYPICAL FOOTAGE

TOTAL-	2,525 SQ FT
FIRST FLOOR-	927 SQ FT
SECOND FLOOR-	822 SQ FT
THIRD FLOOR-	776 SQ FT

UNIT #2 TYPICAL FOOTAGE

TOTAL-	2,517 SQ FT
FIRST FLOOR-	919 SQ FT
SECOND FLOOR-	822 SQ FT
THIRD FLOOR-	776 SQ FT



creative home designs

100 N. BROADWAY
SUITE 100
EDMOND, OK 73034
405-270-6417

6112 S. MEMORIAL DR
TULSA OK 74133
918-943-5154

120 E. TONHAWA ST
SUITE 103
NORMAN, OK 73069
405-857-9059

CHD.DESIGN

BOYD ST DEVELOPMENT

REVISED 9-19-2023

NL

WOODS

BUILDING ADDRESS

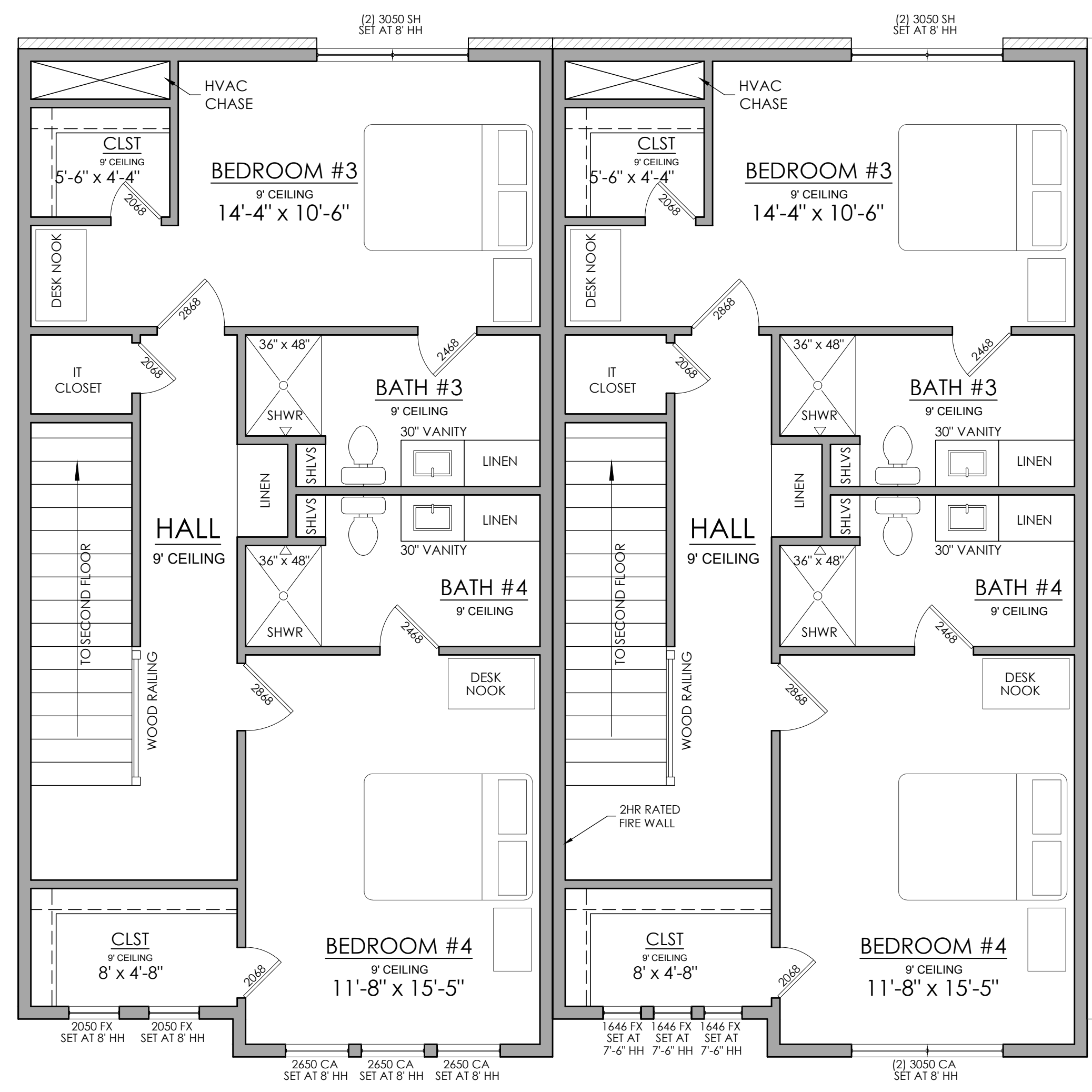
305 E. BOYD ST.
NORMAN, OK

SQUARE FOOTAGE

17,651 SQ FT

FLOORPLAN/
ELEVATION

A102



THIRD FLOOR
1/4"=1'-0"

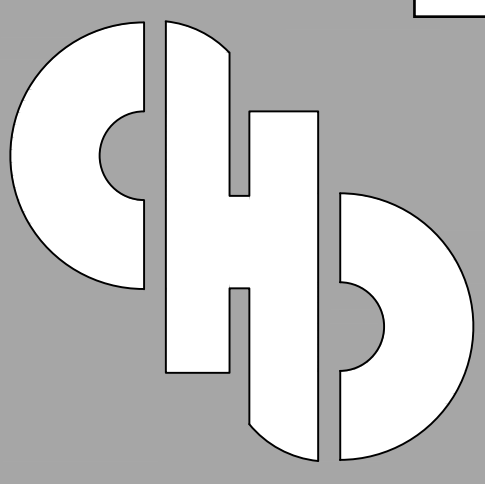


UNIT #1
GROUND STORY
FENESTRATION:
40.57%

UNIT #2
GROUND STORY
FENESTRATION:
36.79%

TOTAL BUILDING
FENESTRATION:
32.71%

FRONT ELEVATION OF TWO TYPICAL UNITS
1/4"=1'-0"



**creative
home
designs**

100 N. BROADWAY
SUITE 100
EDMOND, OK 73034
405-270-6417

6112 S. MEMORIAL DR
TULSA OK 74133
918-943-5154

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SUITE 103
NORMAN, OK 73069
405-857-9059

CHD.DESIGN

**BOYD ST
DEVELOPMENT**

REVISED 9-19-2023

NL

WOODS

BUILDING ADDRESS

305 E. BOYD ST.
NORMAN, OK

SQUARE FOOTAGE

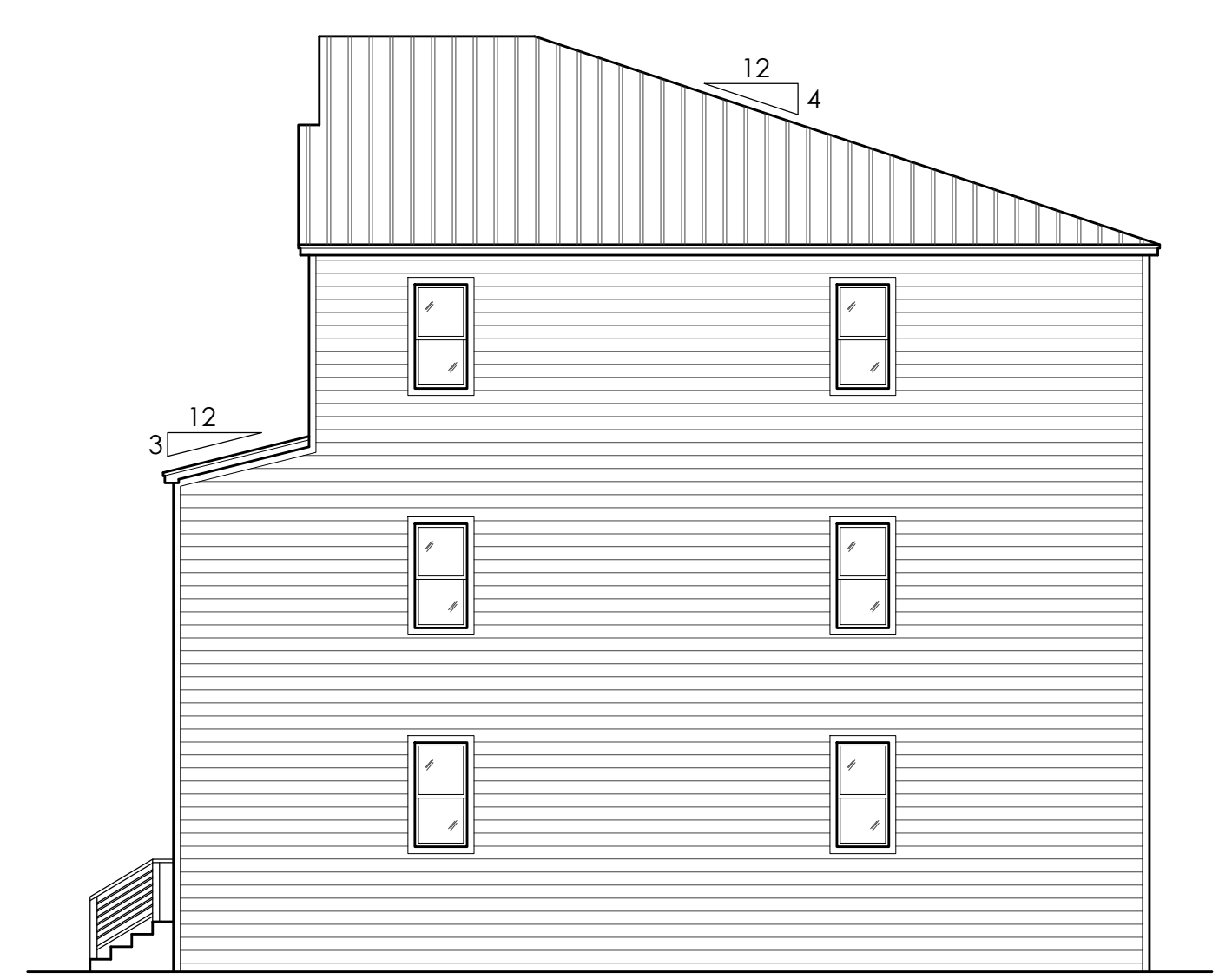
17,651 SQ FT

ELEVATIONS

A201



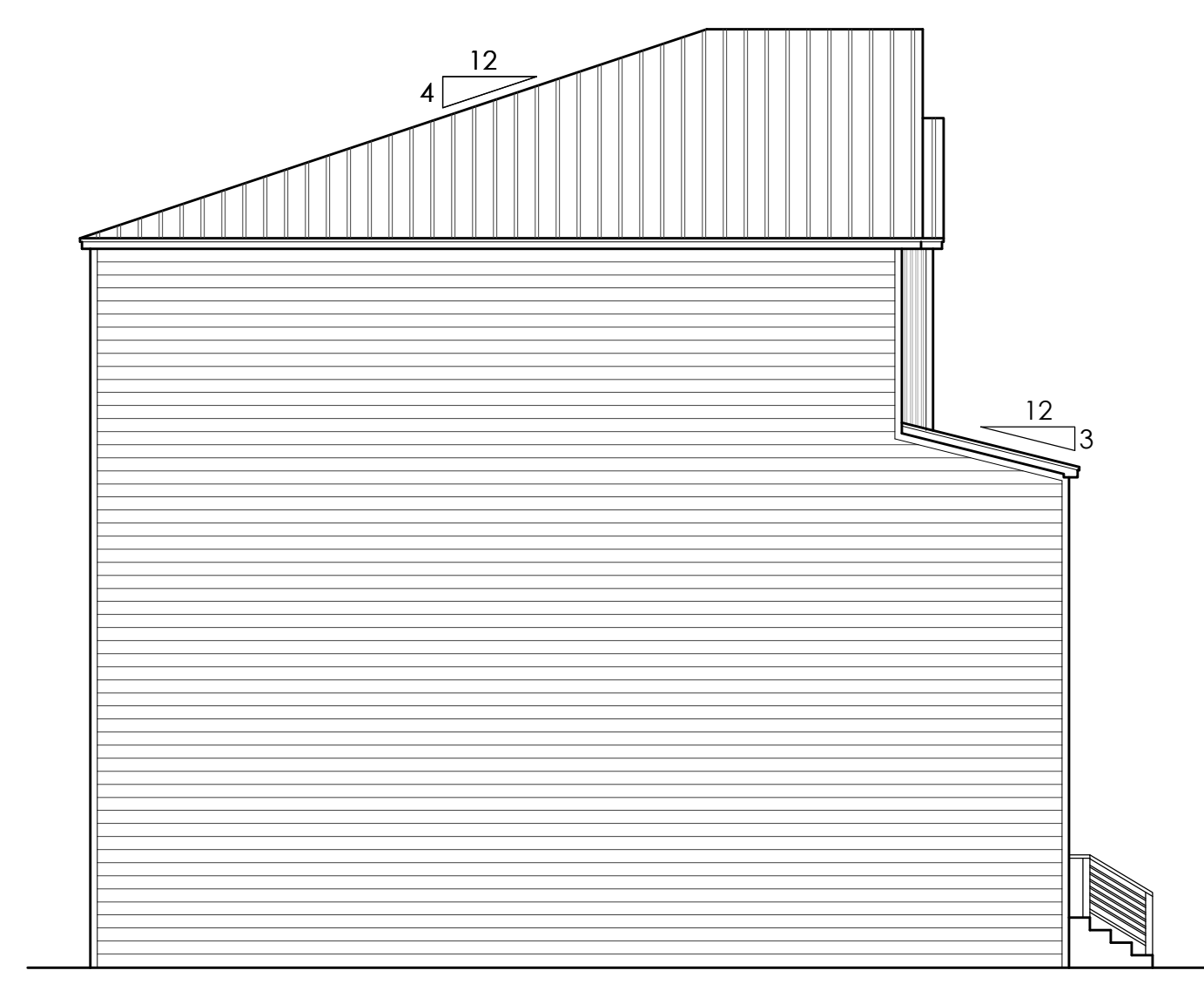
FRONT ELEVATION OF ENTIRE BUILDING
1/8"=1'-0"



RIGHT ELEVATION
1/8"=1'-0"



REAR ELEVATION OF ENTIRE BUILDING
1/8"=1'-0"



LEFT ELEVATION
1/8"=1'-0"

Applicant: CCR Boyd, LLC

Project Location: 305 E Boyd Street

Case Number: PD 23-34

Time: 6:30 p.m.

Applicant Representative: Libby Smith, Gunner Joyce, & Sean Rieger, with Rieger Law Group

Attendees:
None

City Staff:
Anais Starr, Planner II
Amanda Stevens, Dev. Center Coordinator
Beth Muckala, Assistant City Attorney

Application Summary:
A request to rezone from CCFBC, Center City Form-Based Code, to CCPUD, Center City Planned Unit Development for a multi-family structure with seven townhomes.

Neighbor's Comments/Concerns/Responses:
There were no attendees for this request.



CITY OF NORMAN, OK
PLANNING COMMISSION MEETING
 Municipal Building, Council Chambers, 201 West Gray,
 Norman, OK 73069
 Thursday, October 12, 2023 at 6:30 PM

MINUTES

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 14th day of September, 2023.

Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <https://norman-ok.municodemeetings.com> at least twenty-four hours prior to the beginning of the meeting.

Chair Erica Bird called the meeting to order at 6:33 p.m.

ROLL CALL

PRESENT

Cameron Brewer
 Chair Erica Bird
 Douglas McClure
 Jim Griffith
 Maria Kindel
 Michael Jablonski

ABSENT

Steven McDaniel
 Liz McKown
 Kevan Parker

A quorum was present.

STAFF PRESENT

Jane Hudson, Planning Director
 Lora Hoggatt, Planning Services Manager
 Melissa Navarro, Planner II
 Anaïs Starr, Planner II
 Lisa Krieg, CDGB/Grants Manager
 Roné Tromble, Admin. Tech. IV
 Beth Muckala, Assistant City Attorney
 Anthony Purinton, Assistant City Attorney
 David Riesland, Transportation Engineer
 Todd McLellan, Development Engineer
 Jason Murphy, Stormwater Program Manager
 Bryce Holland, Multimedia Specialist

Center City PUDs

7. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Ordinance No. O-2324-17: CCR Boyd, L.L.C. requests rezoning from CCFBC, Center City Form-Based Code, to CCPUD, Center City Planned Unit Development, for 0.454 acres of property located at 305 E. Boyd Street.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. CCPUD Narrative with Exhibits A-D
4. Pre-Development Summary
5. Site Plan
6. Renderings, Floor Plans, Elevations

8. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Ordinance No. O-2324-18: 208Apache, L.L.C. requests rezoning from CCFBC, Center City Form-Based Code, to CCPUD, Center City Planned Unit Development, for 0.321 acres of property located at 221 E. Boyd Street.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. CCPUD Narrative with Exhibits A-D
4. Pre-Development Summary
5. Site Plan
6. Renderings, Floor Plans, Elevations

PRESENTATION BY STAFF: Anais Starr reviewed the staff report for 305 E. Boyd, a copy of which is filed with the minutes. This project is for 7 residential townhomes.

Ms. Starr also reviewed the staff report for 221 E. Boyd, a copy of which is filed with the minutes. This project is for 5 residential townhomes, with the same configuration as the prior project.

Mr. Jablonski asked the street tree requirements. Ms. Starr stated the CCFBC requires large street trees every 30'.

PRESENTATION BY THE APPLICANT: Gunner Joyce, Rieger Law Group, representing the applicants, explained that both projects have the same developer, with two different holding companies. This developer has built in the Center City area, and previously has built to code. He reviewed the projects and the reasoning behind their requests. There are power lines on the property, which is a reason a minor step-back is appropriate and street trees would not be functional bringing the building forward to 6'.

Mr. Jablonski commented it's a great location for development. He is concerned about heat and quality of life in the future. He likes the trees in the rear of the development, but asked about putting some in the center of the parking lots. Mr. Joyce pointed out the trees shown on the site plan in the rear of the buildings. He discussed issues with designing usable parking.

Ms. Bird asked about including shrubs in the front. Mr. Joyce said they would be happy to look at that.

Mr. Brewer commented that he was told the project on the corner at Monnett has asked for an allowance to plant their required trees at a time of year when they have the best chance of survival. Ms. Starr responded they have a requirement for landscaping in both the rear and the front by December.

Ms. Kindel asked what the surface material will be in the private open areas. Mr. Joyce responded that the projects are capped at 85% impervious.

Ms. Hudson commented that we also have to be cognizant of water and sewer lines which may restrict the placement of trees.

Mr. Joyce commented that the developer may want to plant some trees even if they are not required to do so.

Ms. Bird asked about the maximum of 4 bedrooms. Mr. Joyce responded there is a minimum unit count in CCFBC; they are exceeding that. There is a maximum bedroom count within the unit of 3, unless a special use or rezoning is requested.

AUDIENCE PARTICIPATION: None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Mr. Brewer commented on the space between the front of the building by Monnett to the curb. That project buried the power lines. We need street trees along Boyd Street.

Motion made by Griffith, seconded by Kindel, to recommend adoption of Ordinance No. O-2324-17 to City Council.

Mr. Griffith commented that he likes the project. This project is very close to a vision he had years ago for this area that would look like Brooklyn brownstones. He doesn't see any way to bury the power lines in front of the buildings and still plant trees.

Voting Yea: Bird, McClure, Griffith, Kindel

Voting Nay: Brewer, Jablonski

The motion to recommend adoption of Ordinance No. O-2324-17 to City Council passed by a vote of 4-2.

Motion made by Kindel, seconded by Griffith, to recommend adoption of Ordinance No. O-2324-18 to City Council.

Voting Yea: Bird, McClure, Griffith, Kindel

Voting Nay: Brewer, Jablonski

The motion to recommend adoption of Ordinance No. O-2324-18 to City Council passed by a vote of 4-2.

*

File Attachments for Item:

8. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-18 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF CHAPTER 36 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE LOTS TWENTY-EIGHT (28), TWENTY-NINE (29), THIRTY (30) AND THIRTY-ONE (31) OF STATE UNIVERSITY ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE CCFBC, CENTER CITY FORM-BASED CODE, AND PLACE SAME IN THE CCPUD, CENTER CITY PLANNED UNIT DEVELOPMENT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (221 E. BOYD STREET)



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: 208Apache, L.L.C.

PRESENTER: Jane Hudson, Director of Planning & Community Development

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-18 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF CHAPTER 36 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE LOTS TWENTY-EIGHT (28), TWENTY-NINE (29), THIRTY (30) AND THIRTY-ONE (31) OF STATE UNIVERSITY ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE CCFBC, CENTER CITY FORM-BASED CODE, AND PLACE SAME IN THE CCPUD, CENTER CITY PLANNED UNIT DEVELOPMENT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (221 E. BOYD STREET)

REQUEST SUMMARY/CCFBC EXCEPTIONS:

This is a request to rezone the area located at 221 E. Boyd Street, designated as Center City Form Based Code District, to a Center City Planned Unit Development (CCPUD), as outlined in Appendix B of the Center City Form-Based Code.

The proposal for this site is to construct five (5) residential townhomes with each unit being allowed a maximum of four (4) bedrooms for a total of twenty (20) bedrooms for the site. Each three-story unit will have the living room and kitchen on the second floor with the first and the third floors each having two bedrooms. To provide additional privacy for the residents, the applicant is proposing the following: move the Required Building (RBL) to six (6') feet behind the property line, increase the finished floor elevation to thirty-six inches (36"), and provide recessed doors, stoops and balconies. The three-story, five-unit structure consists of a total area of 5,331 square feet, as illustrated on Exhibit B, Site Development Plan. Open space will be provided on the north side of the building and through front balconies of the individual units. A total of twenty-five (23) on-site parking spaces are provided as shown on the Site Plan. Three of the parking spaces are to be shared with the property at 305 E. Boyd Street.

BACKGROUND:

This is a CCPUD application moving forward to Planning Commission and City Council to request an amendment to the recently adopted Center City Form Based Code (CCFBC); many

may not be aware of the extent and process that went into the preparation and review of the CCFBC; below is an overview for those not familiar with the process.

City Council approved a Memorandum of Understanding (MOU) between the City of Norman and the University of Oklahoma (OU) on January 14, 2014. The MOU set forth the terms and conditions that would govern the development of a Center City Master Plan/Visioning Project and outlined the responsibilities of the City of Norman and the University of Oklahoma.

The Center City Form-Based Code, which is the outcome of this Project, was generated and recommended through a Steering Committee. In addition, there was an Executive Subcommittee of the Steering Committee which was comprised of one representative from the City of Norman, one representative from the University of Oklahoma, and one citizen chosen jointly by the City of Norman and the University of Oklahoma.

The City Council moved forward with this project in cooperation with the University of Oklahoma for many reasons. Some of the reasons were that the current zoning regulations were not adequately handling the growing, modern demand for infill development in Norman's Center City area; that there was significant community disagreement about market-driven proposals for infill development; that the professional charrette process was the best technique available to articulate community-supported vision; and that building community support for a vision followed by development of land use regulations that allows the achievement of the vision will provide both community and investors' confidence and certainty. The results of the Charrette process became the foundation for an illustrated, well-articulated, community-supported vision for the future of the Center City area, Center City Form Based Code (CCFBC).

ZONING DISTRICTS INCLUDED IN THIS DOCUMENT:

Urban General – The basic urban street frontage, once common across the United States. The purpose is to develop multi-story buildings placed directly at the sidewalk or behind small dooryards.

Urban Residential – Same as the Urban General except that the uses are limited to residential and related support services.

Urban Storefront – Represents the prototypical “main street” form with shopfronts along the sidewalk and a mix of uses above. A high level of pedestrian activity is anticipated. It is a subset of the Urban General frontage, with more specific requirements at the street level.

Detached – This frontage is represented by the traditional single-family house with small front, side and rear yards along tree-lined streets.

The CCFBC is composed of Building Form Standards and Public Space Standards mapped to a Regulating Plan.

Building Form Standards regulate simple things like: how far buildings are from sidewalks, how much window area at a minimum a building must have, how tall it is in relation to the width of the street, how accessible and welcoming front entrances are, and where a building's parking should be located. Building Form Standards require buildings to have windows and welcoming entries that contribute to life on the sidewalk and they require the placement of parking to the

rear of buildings to ensure that it doesn't get between buildings and pedestrians. These standards require that buildings support and shape the public spaces of our city.

PARTICULARS OF THIS CCPUD:

The applicant is requesting this CCPUD in order to build five residential townhomes as illustrated on the attached drawings. The applicant is able to comply with many of CCFBC requirements. However, due to the applicant's desire to provide setback from Boyd Street and to allow for more bedrooms per unit, the applicant is requesting the following modifications to the Center City Form Based Code, as follows:

1. Move the Required Building Line (RBL) along Boyd Street from three feet (3') behind the property line to six feet (6') behind the property line. Staff would note that City Council adopted a new CCFBC Regulating Map on August 22, 2023 that moved the RBL from nine feet (9') to three feet (3'). This change became effective September 22, 2023. The applicant submitted for Planning Commission on September 1, 2023.
2. Allow a maximum of four (4) bedrooms per unit.
3. Increase the allowed offset from the RBL from twenty-four inches (24") to a maximum of sixty inches (60") to allow for recessed door, stoops, balconies and entry doors.
4. Eliminate the requirement for Street Trees. The applicant will be providing additional landscaping behind the structure along with amenities such as grills and picnic tables.
5. The applicant is proposing one bike rack per unit, for a total of five (5) racks, whereas only three bike racks are required for the site.

OTHER AGENCY COMMENTS:

PRE-DEVELOPMENT: There were three attendees at the Pre-Development Meeting and they asked questions pertaining to both 221 & 305 E. Boyd Street. Attendees asked for clarification of the proposed redevelopments, in particular, regarding the number of units and bedrooms as well as the location of the dumpster. They also wanted to know the reason for the CCPUD.

GREENBELT COMMISSION MEETING: No meeting was required for this application.

PARK BOARD: Parkland dedication is not required for this application.

PUBLIC WORKS: No Comments.

UTILITIES: The use of a shared dumpster at 305 E. Boyd will eliminate the numerous polycarts that would be required for service to this location. Recycling will be through regional recycling centers.

CONCLUSION: Staff forwards this request and Ordinance No. O-2324-18 to City Council for consideration.

At their October 12, 2023 meeting, Planning Commission recommended adoption of Ordinance No. O-2324-18 to City Council, by a vote of 4-2.

O-2324-18

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF CHAPTER 36 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE LOTS TWENTY-EIGHT (28), TWENTY-NINE (29), THIRTY (30) AND THIRTY-ONE (31) OF STATE UNIVERSITY ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE CCFBC, CENTER CITY FORM-BASED CODE, AND PLACE SAME IN THE CCPUD, CENTER CITY PLANNED UNIT DEVELOPMENT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (221 E. Boyd Street)

- § 1. WHEREAS, 208Apache, L.L.C., the owners of the hereinafter described property, have made application to have the subject property removed from the CCFBC, Center City Form-Based Code, and placed in the CCPUD, Center City Planned Unit Development; and
- § 2. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing on October 12, 2023 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 36-201 of Chapter 36 of the Code of the City of Norman, Oklahoma, is hereby amended so as to remove the following described property from the CCFBC, Center City Form-Based Code, and place the same in the CCPUD, Center City Planned Unit Development, to wit:

A tract of land being Lot Twenty Eight (28), Twenty Nine (29), Thirty (30) and Thirty One (31) of the State University Addition to Norman Cleveland County, Oklahoma and being more particularly described as follows:
Beginning at the Southeast corner of said Lot 31; Thence West a distance of 100 feet to the Southwest corner of said Lot 28; Thence North a distance of 139.95 feet to the Northwest corner of said Lot 28; Thence East a distance of 100 feet to the Northeast corner of said Lot 31; Thence South a distance of 139.95 feet to the Point of Beginning;

Said parcel of land contains 0.321 Acres or 13,995 Sq. Ft., more or less.

Ordinance No. O-2324-18
Page 2

§ 5. Further, pursuant to the provisions of Section 36-540 Appendix B 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 CCPUD Narrative and the Site Development Plan and supporting documentation, which are made a part hereof.

§ 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 _____, 2023.

NOT ADOPTED this _____ day of _____, 2023.

(Mayor)

(Mayor)

ATTEST:

(City Clerk)

221 E Boyd St.

A Center City Planned Unit Development

Applicant: 208APACHE LLC

Application for:

Center City Planned Unit Development

Submitted September 1, 2023

Revised September 27, 2023

PREPARED BY:

RIEGER LAW GROUP PLLC

136 Thompson Drive

Norman, Oklahoma 73069

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- E. Utility Services
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- C. CCFBC Variances

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I. INTRODUCTION

A. **Background and Intent.** This Center City Planned Unit Development (“CCPUD”) is proposed by 208APACHE LLC (the “Applicant”) for the property located at 221 E. Boyd St., Norman, Oklahoma, more particularly described on Exhibit A (the “Property”). The Property contains approximately 0.321 acres. This CCPUD is intended to put forth the parameters for the development of the Property to allow for the construction of a multi-family structure with up to five (5) residential units with a maximum of four (4) bedrooms per unit. This CCPUD will allow for a relaxation of the CCFBC’s specific development and design criteria applicable to the Property in order to allow the Applicant to utilize the site for higher density multifamily structure with leasable units which are needed close to the University of Oklahoma campus, while maintaining adequate pervious coverage and parking on the Property.

B. **Development Team.** The Applicant and owner of the Property is 208APACHE LLC. The architect for the project is Nathan Lofties, with Creative Home Designs.

II. PROPERTY DESCRIPTION/GENERAL SITE CONDITIONS

A. **Location.** The Property is an approximately 13,995 square foot parcel located North of E. Boyd St. and West of the railroad right-of-way. The specific location is illustrated on the Site Development Plan, attached hereto as Exhibit B.

B. **Existing Land Use and Zoning.** The Property is located in the Center City Form Based Code (“CCFBC”) District, Urban General BFS. The Property is currently vacant.

C. **Elevation and Topography.** The Property is essentially flat with little to no elevation change throughout.

D. **Drainage.** The Property is generally flat and drains to Boyd Street and the alleyway on the North.

E. **Utility Services.** All necessary utilities for this project (including water, sewer, gas, telecommunications, and electric) are currently located within the necessary proximity to serve the Property, or they will be extended by the Applicant, as necessary.

F. **Fire Protection Services.** Fire protection services will be provided by the City of Norman Fire Department and by the owner of the Property where required by building and fire protection codes in the structures.

G. **Traffic Circulation and Access.** Boyd Street is located on the South boundary of the Property and the public alleyway is located along the North boundary of the Property. Vehicle access is currently gained from an existing driveway off of Boyd Street, which will be removed under this CCPUD. The public sidewalk is located

along Boyd Street. Traffic access and circulation will be allowed in the manner depicted on the Site Development Plan. The Property will be accessed from the alley.

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

The Property shall be developed in compliance with the terms of this CCPUD and the exhibits attached hereto and incorporated herein by reference, subject to adjustments or modifications allowed pursuant to Appendix B, Section 520(F), Administration, of the CCFBC, as may be amended from time to time.

A. Allowable Uses.

A list of the allowable uses for the Property is attached hereto as Exhibit C.

B. Development Criteria.

1. **Siting.** The proposed Site Development Plan for the Property is concurrently submitted with this CCPUD as Exhibit B and shall be incorporated herein as an integral part of this CCPUD. The Property shall be developed in substantial conformance with the Site Development Plan, subject to adjustments or modifications allowed pursuant to Appendix B Section 520(F), Administration, of the CCFBC, as may be amended from time to time. The Required Building Line (“**RBL**”) along the Property’s Boyd Street frontage shall be six (6’) feet from the front property line as shown on the attached Site Development Plan.
2. **Building Height.** The buildings to be constructed on the Property are planned to be three (3) stories, as shown on the proposed elevations attached as Exhibit D. As shown on the proposed elevations, the finished floor height may be raised up to 36”.
3. **Elements.** The Property shall be built in accordance with the terms of this CCPUD and the exhibits hereto. Exterior materials shall comply with the requirements of Section 402(J), Architectural Materials (exteriors), of the CCFBC, as may be amended from time to time. Fenestration is only required along Boyd Street frontage. Fenestration for Boyd Street frontage shall be a minimum of 33% on ground story and 20% for upper stories. To break down the scale of the buildings and provide a better pedestrian experience, the facades along Boyd Street will have at least two different materials, a ground story configuration different from the upper story and at least 2 different bay configurations. The Boyd Street RBL shall have an offset depth of a maximum of 60 inches behind the RBL to accommodate the proposed recessed doors and stoops.

4. **Sanitation.** A trash dumpster to be installed at 305 E. Boyd will be shared by this Property.
5. **Signage.** All signage for the Property shall comply with Section 402(N), Signage, of the CCFBC, as amended thereafter.
6. **Traffic access and sidewalks.** Traffic circulation and access to the Property shall be allowed in the manner shown on the Site Development Plan. In order to keep the streetscape pedestrian friendly and usable, street trees and streetlights shall not be required along the Property's Boyd Street frontage.
7. **Lighting.** The project shall comply with the requirements of the CCFBC under Section 402(O), Lighting & Mechanical, as amended thereafter.
8. **Open Space.** Open space will be located on the Property in the locations depicted on the attached Site Development Plan. Consistent with the Property's CCFBC designation of Urban General, the Property shall have a maximum of 85% impervious coverage. Open space areas are allowed to be located in noncontiguous areas on the Property.
9. **Parking.** Parking is provided in the manner shown on the attached Site Development Plan. The Applicant will provide one parking space per bedroom. Additionally, three (3) off-site spaces will be provided on the Property for 305 E Boyd Street. One bike rack per unit will be provided as shown on the Site Development Plan.
10. **Landscaping.** In order to keep the streetscape pedestrian friendly and usable, street trees and streetlights will not be required for development of the Property under this CCPUD. Landscaping will be provided in substantial compliance with the Site Development Plan. Final landscaping types, quantities, and locations may change during final design and construction. Any trees to be planted shall be of a species that is listed in Section 506 of the CCFBC, as amended thereafter, or otherwise approved by the City of Norman Forester, City of Norman Ordinance, or appropriate City of Norman staff member.
11. **Drainage.** The Property will meet or exceed all applicable drainage ordinances. Drainage will be directed into the existing storm sewer main on Boyd Street and to the alleyway on the north of the Property.
12. **Fencing.** Fencing with a maximum height of eight (8') feet is permissible but not required on the Property.

C. **CCFBC Variances.**

The Property shall be developed in accordance with the terms of this CCPUD and the exhibits attached hereto and incorporated by reference. For convenience purposes, a summary of the variances sought from the CCFBC follows:

1. **RBL Modification**. The RBL has been modified to six (6') feet due to the presence of overhead powerlines and to provide the residents with additional privacy from the adjacent public right-of-way. The adjustment also ensures that front doors will not encroach within the public right-of-way.
2. **Four Bedrooms Per Unit**. Each unit is allowed to contain a maximum of four bedrooms as this is an area that is appropriate for added density. This CCPUD will allow for a development that can provide thoughtfully designed residential units closely located to the University of Oklahoma, which is much needed.
3. **Streetscape**. Street trees and streetlights will not be required on this Property. This will help keep the Boyd streetscape pedestrian friendly due to the proximity of the RBL to the right-of-way and the existence of driveways on other properties on this block. Bike racks will be installed on the Property.
4. **Open Space**. Open space areas are not required to be contiguous on the Property.
5. **Elements**. An additional 36 inches of offset from the Boyd Street RBL is being requested to allow the proposed recessed entries and covered stoops for a total maximum offset depth of five (5') feet.

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

LEGAL DESCRIPTION

LOT 29A
STATE UNIVERSITY ADDITION
NORMAN, CLEVELAND COUNTY, OKLAHOMA

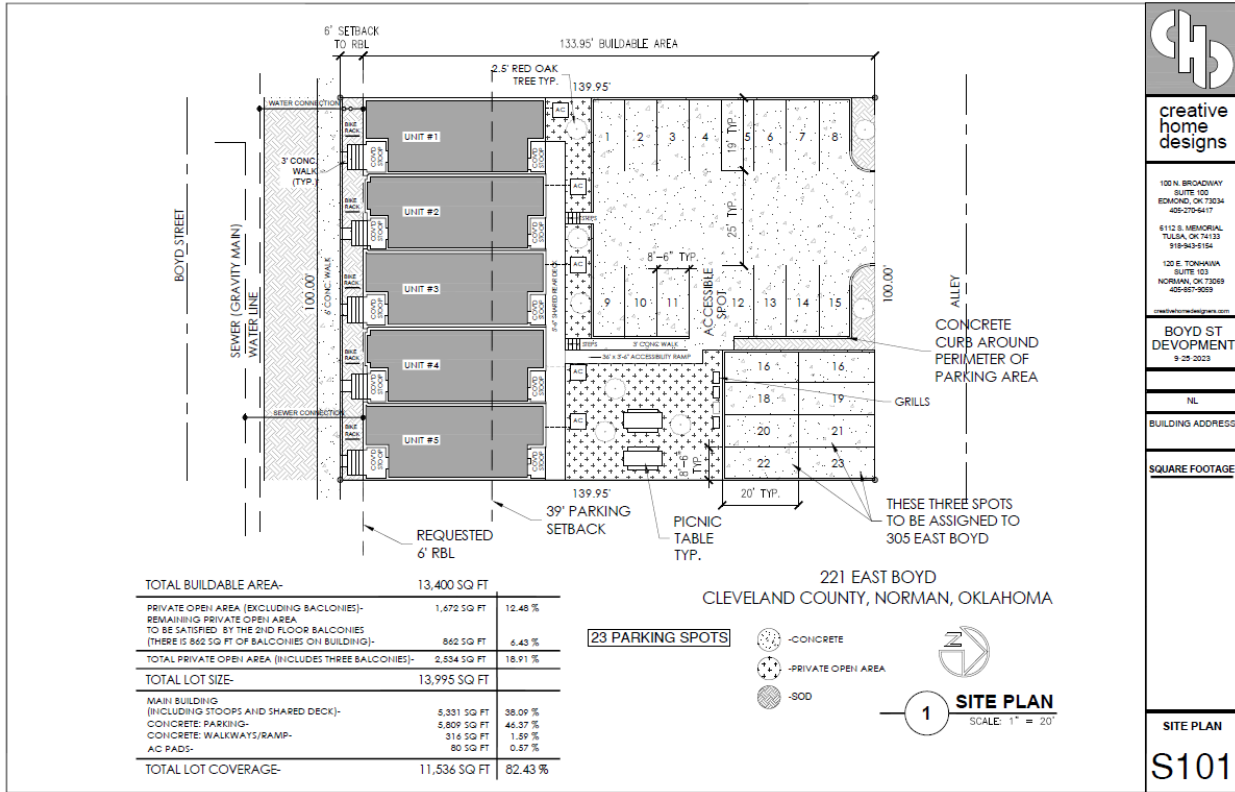
A tract of land being Lot Twenty Eight (28), Twenty Nine (29), Thirty (30) and Thirty One (31) of the State University Addition to Norman Cleveland County, Oklahoma and being more particularly described as follows:

*Beginning at the Southeast corner of said Lot 31;
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Thence North a distance of 139.95 feet to the Northwest corner of said Lot 28;
Thence East a distance of 100 feet to the Northeast corner of said Lot 31;
Thence South a distance of 139.95 feet to the Point of Beginning;*

Said parcel of land contains 0.321 Acres or 13,995 Sq. Ft., more or less.

EXHIBIT B

PROPOSED SITE DEVELOPMENT PLAN Full Size PDF Documents Submitted to City Staff



creative home designs

100 N. BROADWAY
SUITE 100
EDMOND, OK 73034
405-270-8417

6112 S. MEMORIAL
TULSA, OK 74133
918-483-8164

130 E. TOMAHAWK
SUITE 103
NORMAN, OK 73069
405-887-9069

www.creativehomedesigns.com

BOYD ST DEVELOPMENT
9-25-2023

NL

BUILDING ADDRESS

SQUARE FOOTAGE

SITE PLAN

S101

**EXHIBIT C
ALLOWABLE USES**

Allowable Uses:

Ground Story:

The Ground Story may house commerce, professional services or residential uses.

Upper Stories:

The Upper Stories may only house Residential or Commerce uses. No restaurant or retail sales uses shall be allowed in Upper Stories unless they are second story extensions equal to or less than the area of the Ground Story use. No commerce use, except for permitted rooftop restaurants, is permitted above a residential use. Additional habitable space is permitted within the roof where the roof is configured as an attic story.

Residential Dwelling Units:

The Property may contain five (5) units with a maximum of four (4) bedrooms per unit, totaling twenty (20) bedrooms on the Property.

Use Table

The use table included below, as may be amended from time to time, identifies the uses allowed within this CCPUD. References to Additional Regulations refer to provisions of the CCFBC (as such may be amended from time to time) and shall be applied to the Property if such use is requested on the Property, except that no additional regulations will be applied to any Residential Uses on the Property.

USE CATEGORY		Urban General		Additional Regulations
		Ground Story	Upper Story	
RESIDENTIAL	Household Living	✓	✓	Sec. 704.B.1-2; 704. J, K.
	Group Living		✓	
COMMERCE	Office	✓	✓	Sec. 704.D.1-2
	Overnight Lodging	✓	✓	Sec. 704.E.1-3
	Recreation/Entertainment	✓	✓	Sec. 704.F.1-5
	Vehicle Sales	✓	✓	Sec. 704.F.6
	Passenger Terminal	✓		
	Child Care Center	✓	✓	See Part 9. Definitions
	Family Day Care Home	✓	✓	See Part 9. Definitions
	Retail Sales & Service	✓	✓	Sec. 704.F.2, 6, 7
	Restaurant/Bar/Lounge/Tavern	✓	✓	Sec. 704.F.1-5
	Art Studio/Artisinal Manufacturing	✓	✓	Sec. 704.F.7
	Research & Development	✓	✓	
	Self-service storage		✓	
	Auto Repair	✓		Sec. 704.G.
CIVIC	See Part 9. Definitions	✓		Sec. 704.C.

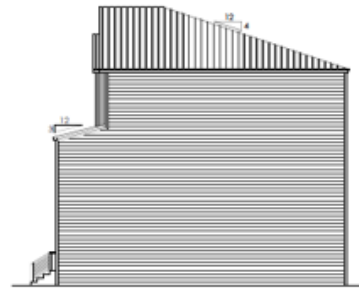
Key: ✓= Permitted Blank Cell = Not Permitted

EXHIBIT D

PROPOSED EXTERIOR ELEVATIONS Full Size PDF Documents Submitted to City Staff



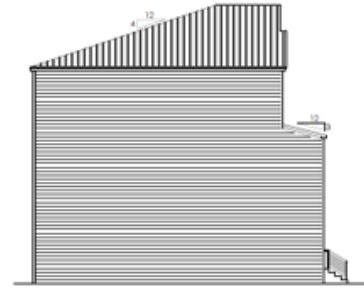
FRONT ELEVATION OF ENTIRE BUILDING
1/8"=1'-0"



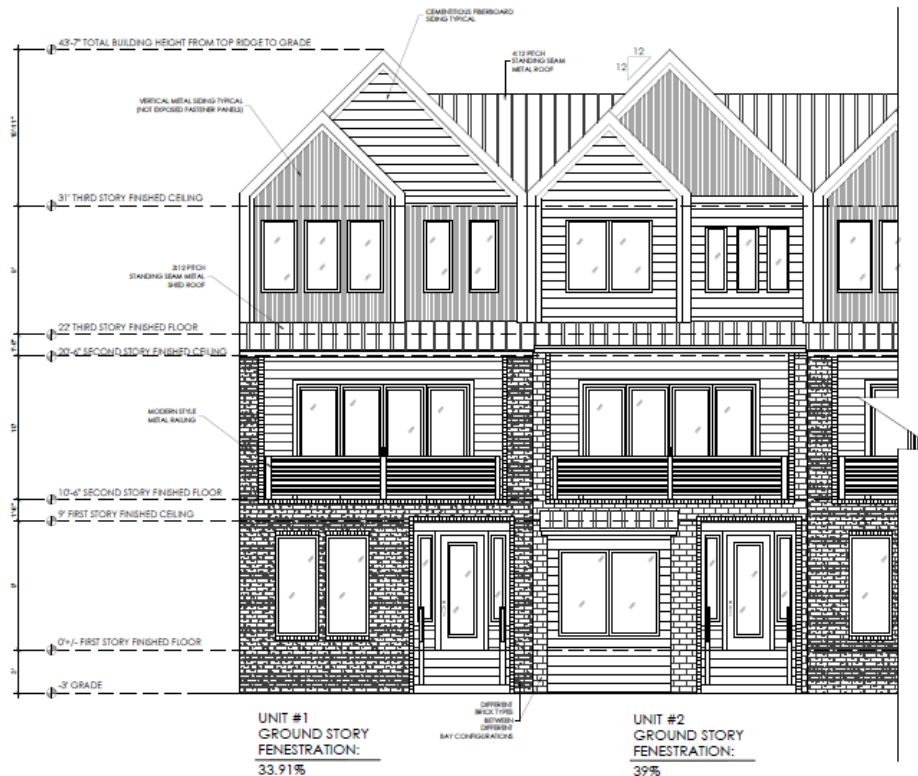
RIGHT ELEVATION
1/8"=1'-0"



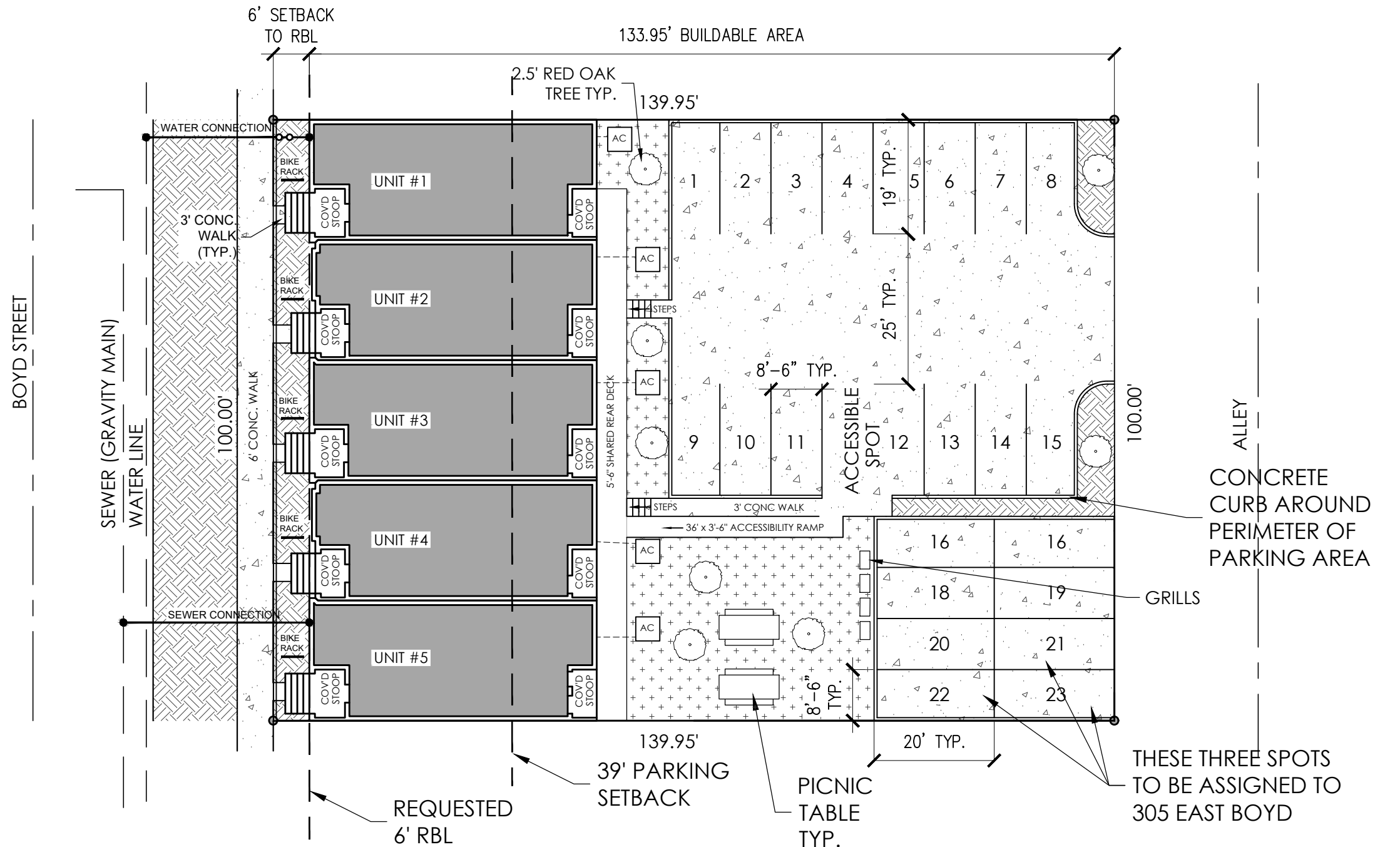
REAR ELEVATION OF ENTIRE BUILDING
1/8"=1'-0"



LEFT ELEVATION
1/8"=1'-0"



TOTAL BUILDING
FRONT ELEVATION OF TWO TYPICAL UNITS
1/4"=1'-0"



TOTAL BUILDABLE AREA-	13,400 SQ FT	
PRIVATE OPEN AREA (EXCLUDING BALCONIES)-	1,672 SQ FT	12.48 %
REMAINING PRIVATE OPEN AREA TO BE SATISFIED BY THE 2ND FLOOR BALCONIES (THERE IS 862 SQ FT OF BALCONIES ON BUILDING)-	862 SQ FT	6.43 %
TOTAL PRIVATE OPEN AREA (INCLUDES THREE BALCONIES)-	2,534 SQ FT	18.91 %
TOTAL LOT SIZE-	13,995 SQ FT	
MAIN BUILDING (INCLUDING STOOPS AND SHARED DECK)-	5,331 SQ FT	38.09 %
CONCRETE: PARKING-	5,809 SQ FT	46.37 %
CONCRETE: WALKWAYS/RAMP-	316 SQ FT	1.59 %
AC PADS-	80 SQ FT	0.57 %
TOTAL LOT COVERAGE-	11,536 SQ FT	82.43 %

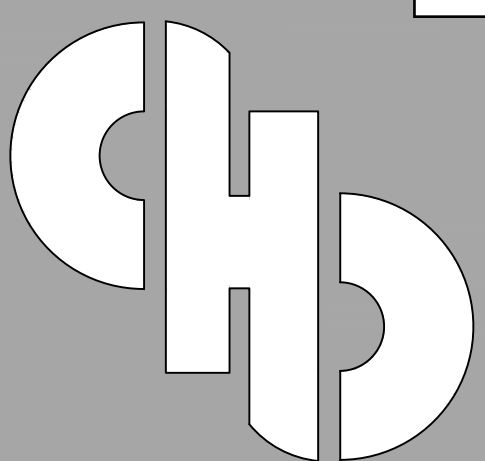
221 EAST BOYD
CLEVELAND COUNTY, NORMAN, OKLAHOMA

23 PARKING SPOTS

- CONCRETE
- PRIVATE OPEN AREA
- SOD



1 SITE PLAN
SCALE: 1" = 20'



creative home designs

100 N. BROADWAY
SUITE 100
EDMOND, OK 73034
405-270-6417

6112 S. MEMORIAL DR
TULSA OK 74133
918-943-5154

120 E. TONHAWA ST
SUITE 103
NORMAN, OK 73069
405-857-9059

CHD.DESIGN

BOYD ST DEVELOPMENT

REVISED 9-19-2023

NL

WOODS

BUILDING ADDRESS

221 E. BOYD ST. &
305 E. BOYD ST.
NORMAN, OK

SQUARE FOOTAGE

COVER

COV

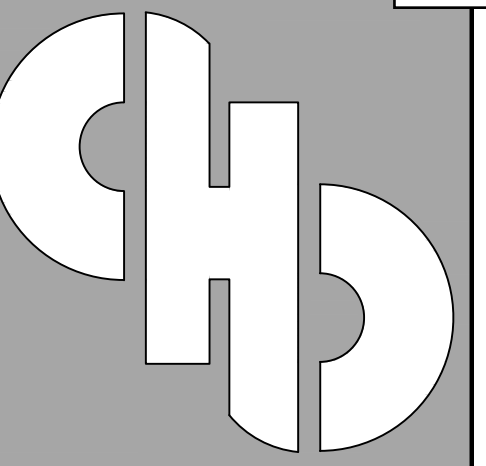


BOYD STREET DEVELOPMENT

221 EAST BOYD ST- 11,856 SQ FT
5 UNITS, 20 BEDROOMS

305 EAST BOYD ST- 17,651 SQ FT
7 UNITS, 28 BEDROOMS





**creative
home
designs**

100 N. BROADWAY
SUITE 100
EDMOND, OK 73034
405-270-6417

6112 S. MEMORIAL DR
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CHD.DESIGN

**BOYD ST
DEVELOPMENT**

REVISED 9-19-2023

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WOODS

BUILDING ADDRESS

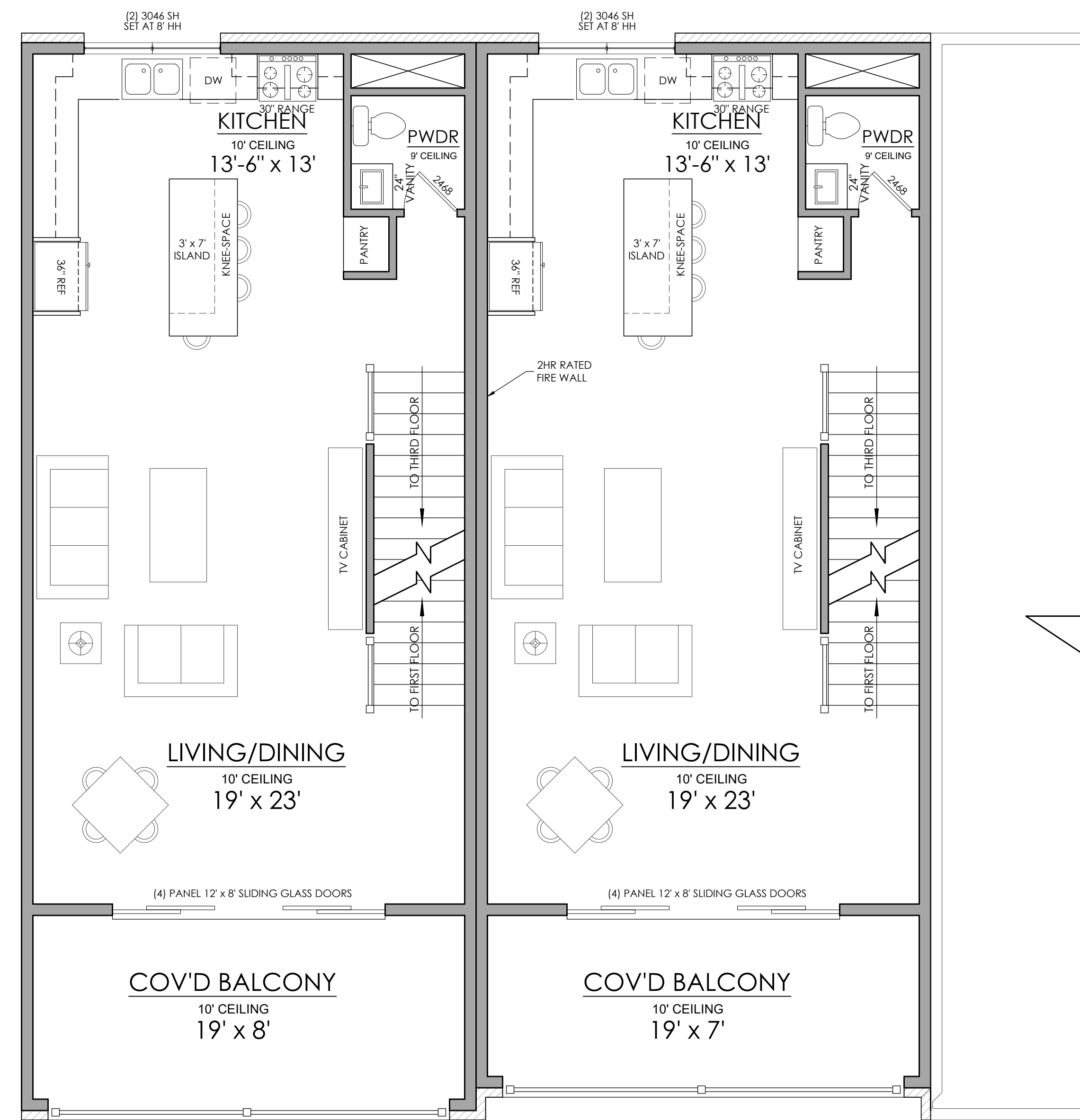
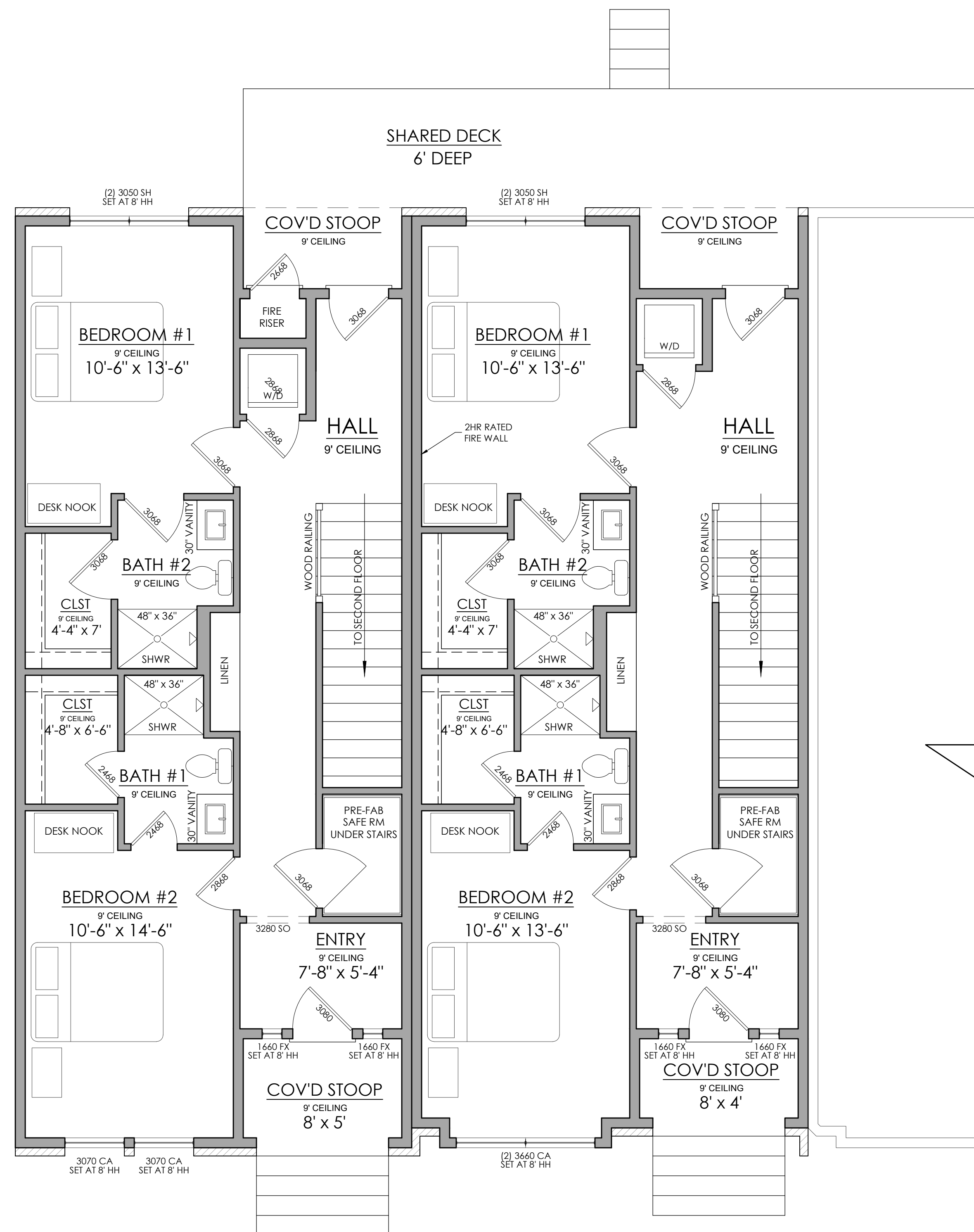
221 E. BOYD ST.
NORMAN, OK

SQUARE FOOTAGE

11,856 SQ FT

FLOORPLAN

A101



TOTAL BUILDING

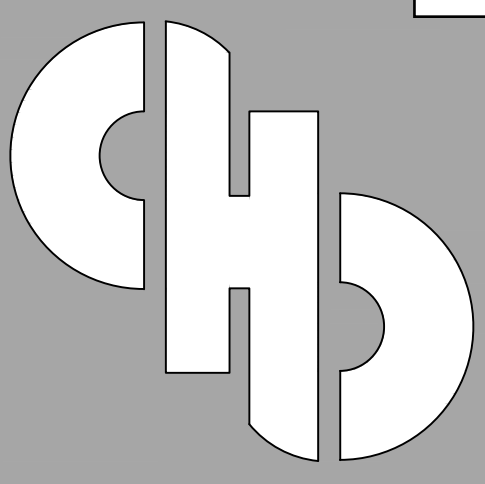
11,856 SQ FT

UNIT #1 TYPICAL FOOTAGE

TOTAL-	2,374 SQ FT
FIRST FLOOR-	872 SQ FT
SECOND FLOOR-	777 SQ FT
THIRD FLOOR-	725 SQ FT

UNIT #2 TYPICAL FOOTAGE

TOTAL-	2,367 SQ FT
FIRST FLOOR-	865 SQ FT
SECOND FLOOR-	777 SQ FT
THIRD FLOOR-	725 SQ FT



creative home designs

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WOODS

BUILDING ADDRESS

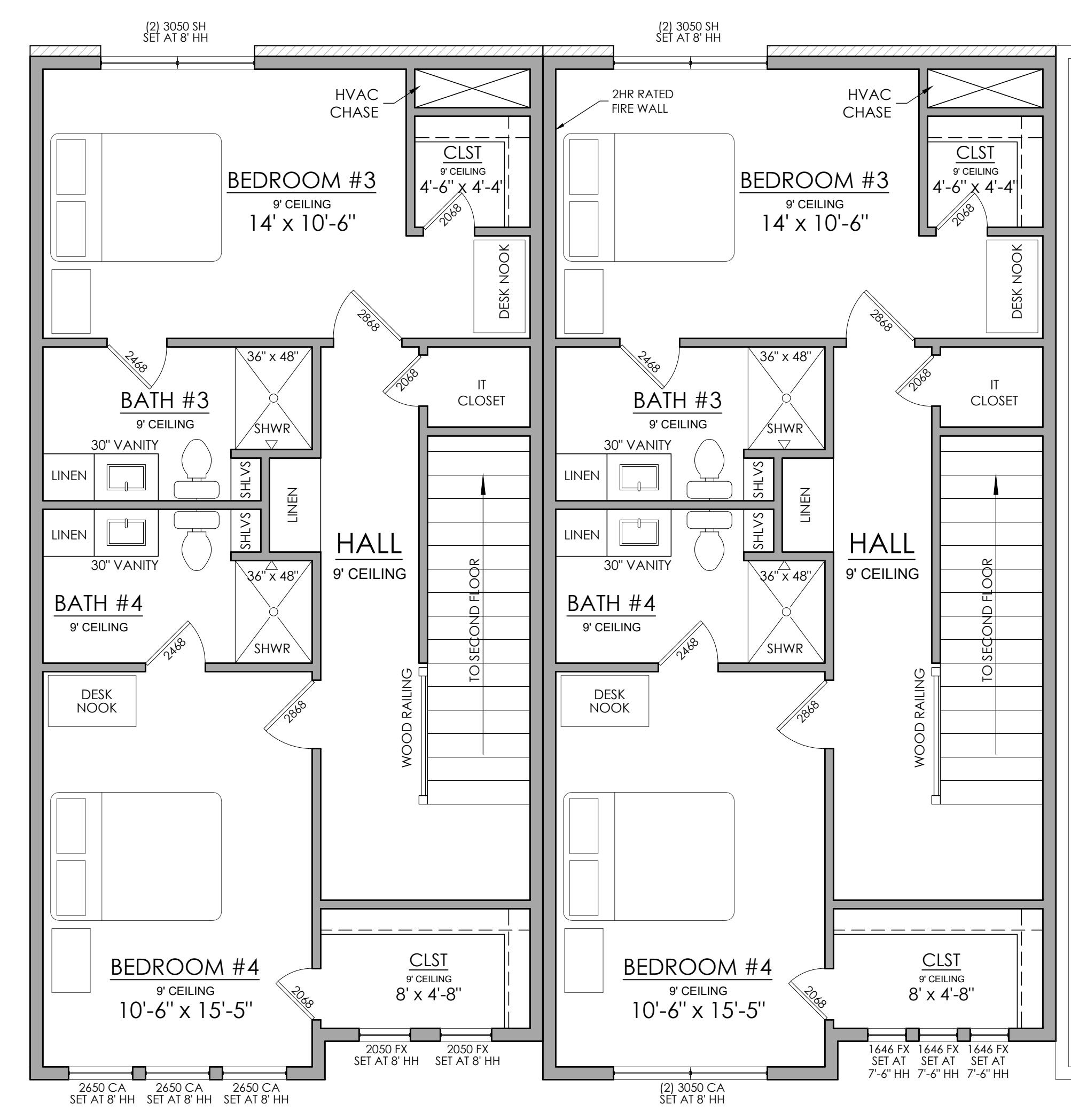
221 E. BOYD ST.
NORMAN, OK

SQUARE FOOTAGE

11,856 SQ FT

FLOORPLAN/
ELEVATION

A102

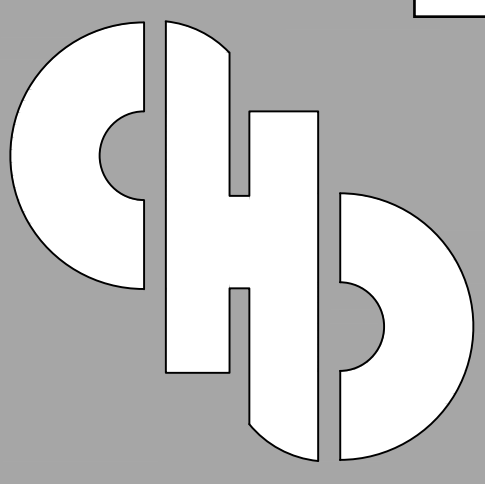


THIRD FLOOR
1/4"=1'-0"



UNIT #1 GROUND STORY FENESTRATION: 33.91%
UNIT #2 GROUND STORY FENESTRATION: 39%

TOTAL BUILDING
FRONT ELEVATION OF TWO TYPICAL UNITS
1/4"=1'-0"



creative home designs

100 N. BROADWAY
SUITE 100
EDMOND, OK 73034
405-270-6417

6112 S. MEMORIAL DR
TULSA OK 74133
918-943-5154

120 E. TONHAWA ST
SUITE 103
NORMAN, OK 73069
405-857-9059

CHD.DESIGN

BOYD ST
DEVELOPMENT

REVISED 9-19-2023

NL

WOODS

BUILDING ADDRESS

221 E. BOYD ST.
NORMAN, OK

SQUARE FOOTAGE

11,856 SQ FT

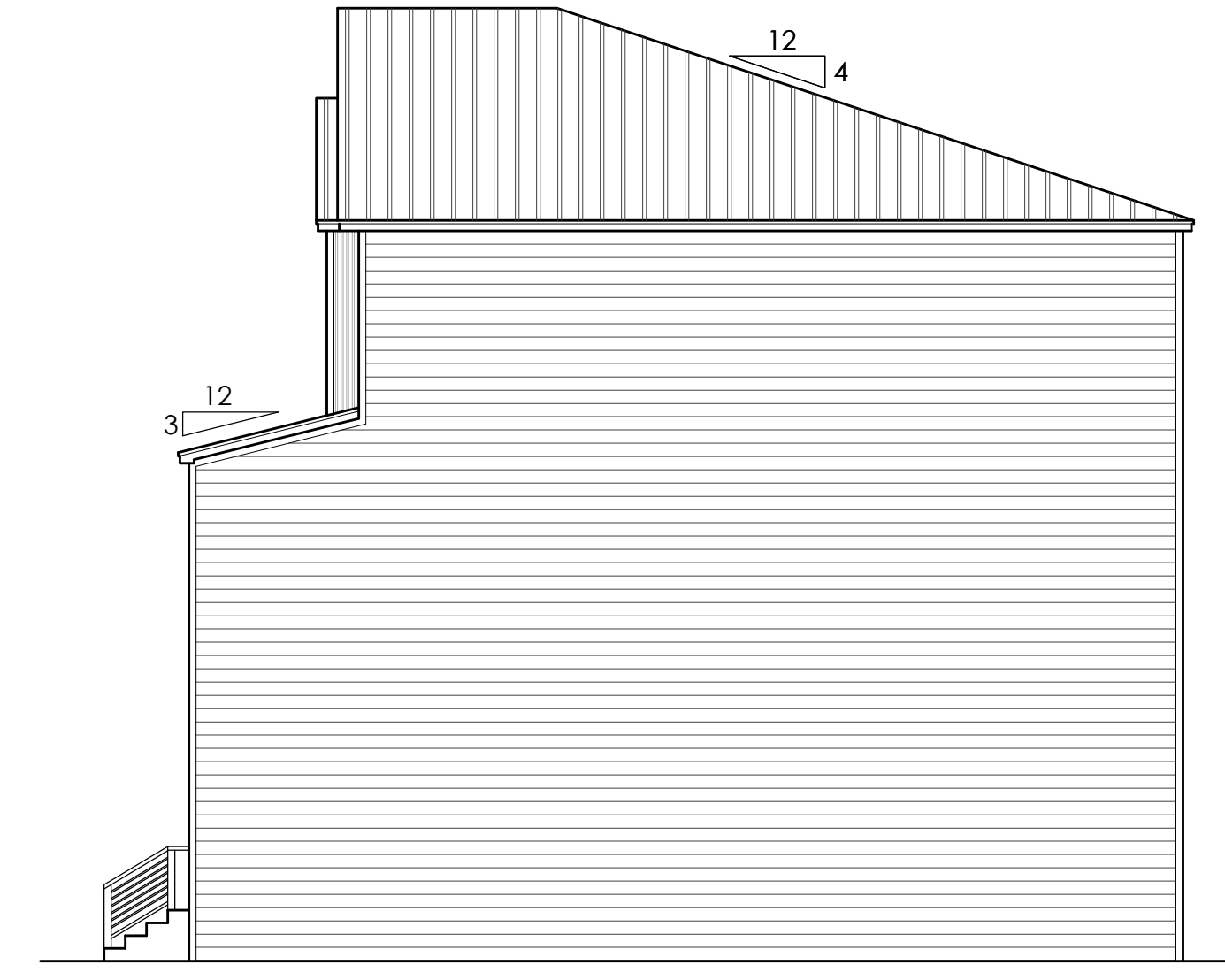
ELEVATIONS

A201



FRONT ELEVATION OF ENTIRE BUILDING

1/8"=1'-0"



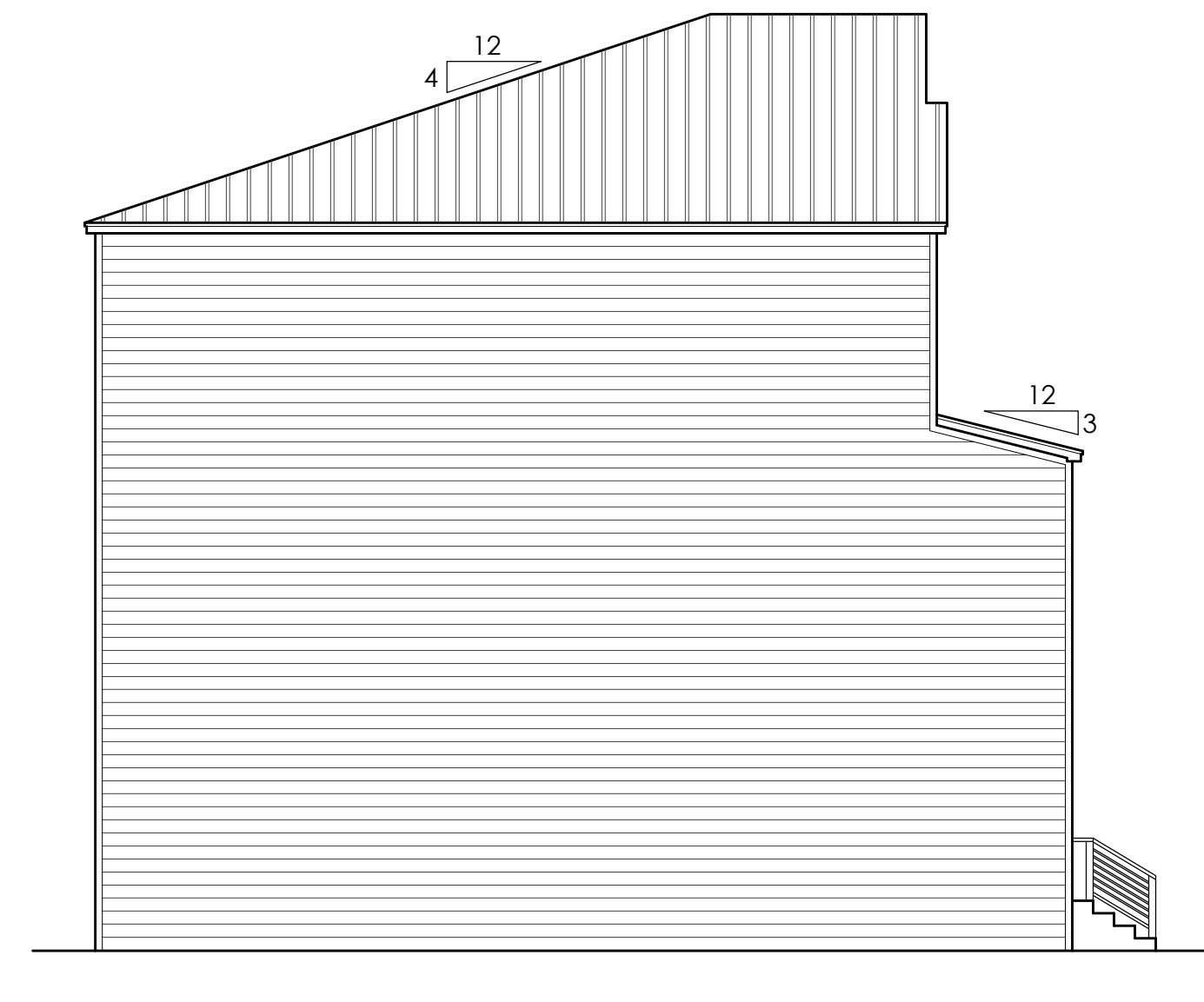
RIGHT ELEVATION

1/8"=1'-0"



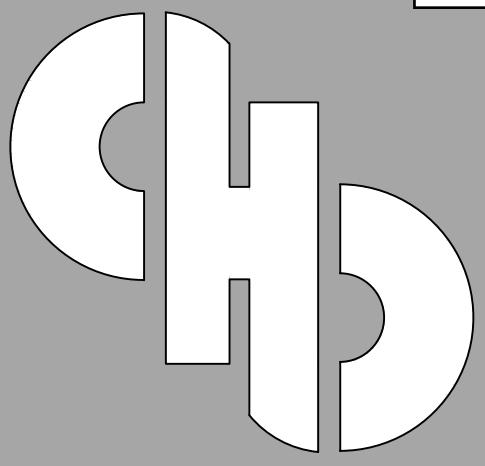
REAR ELEVATION OF ENTIRE BUILDING

1/8"=1'-0"



LEFT ELEVATION

1/8"=1'-0"



**creative
home
designs**

100 N. BROADWAY
SUITE 100
EDMOND, OK 73034
405-270-6417

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**BOYD ST
DEVELOPMENT**

REVISED 9-19-2023

NL

WOODS

BUILDING ADDRESS

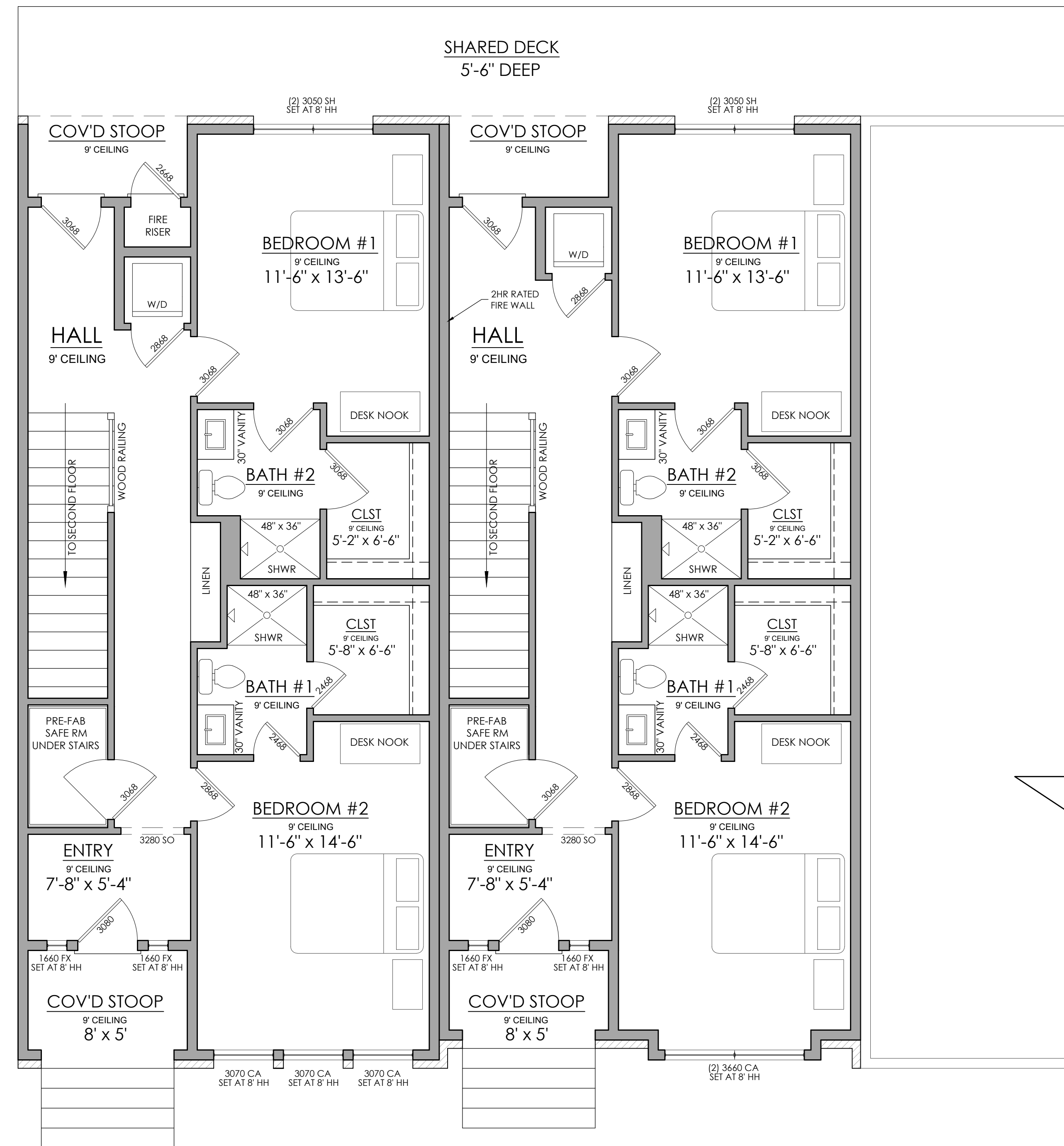
305 E. BOYD ST.
NORMAN, OK

SQUARE FOOTAGE

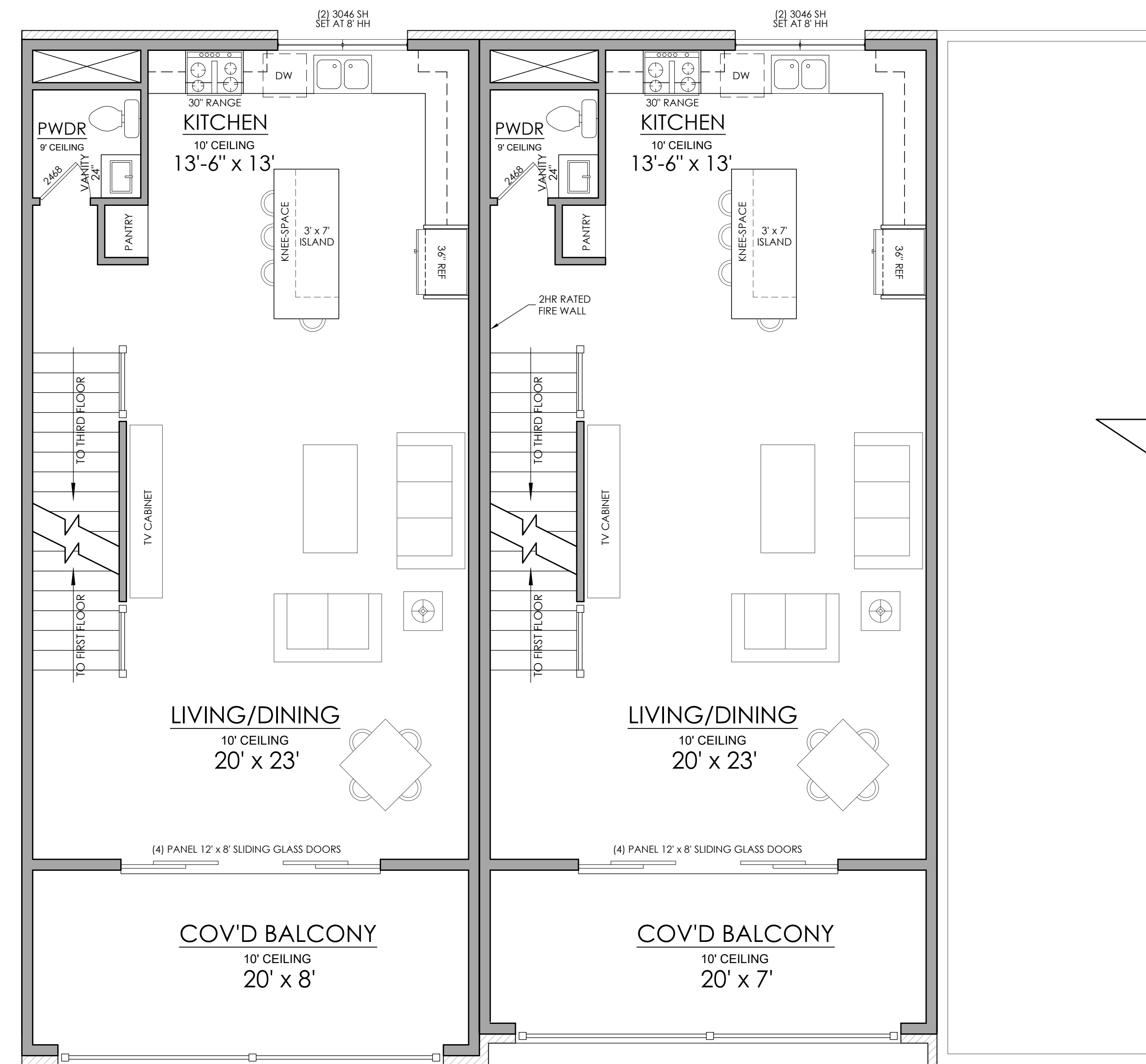
17,651 SQ FT

FLOORPLAN

A101



FIRST FLOOR
1/4"=1'-0"



SECOND FLOOR
1/4"=1'-0"

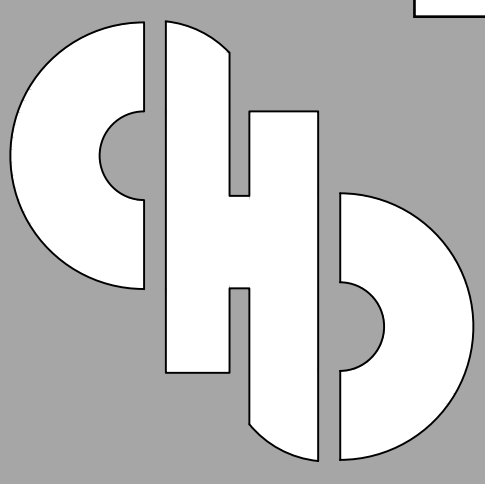
TOTAL BUILDING
17,651 SQ FT

UNIT #1 TYPICAL FOOTAGE

TOTAL-	2,525 SQ FT
FIRST FLOOR-	927 SQ FT
SECOND FLOOR-	822 SQ FT
THIRD FLOOR-	776 SQ FT

UNIT #2 TYPICAL FOOTAGE

TOTAL-	2,517 SQ FT
FIRST FLOOR-	919 SQ FT
SECOND FLOOR-	822 SQ FT
THIRD FLOOR-	776 SQ FT



creative home designs

100 N. BROADWAY
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405-270-6417

6112 S. MEMORIAL DR
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CHD.DESIGN

BOYD ST DEVELOPMENT

REVISED 9-19-2023

NL

WOODS

BUILDING ADDRESS

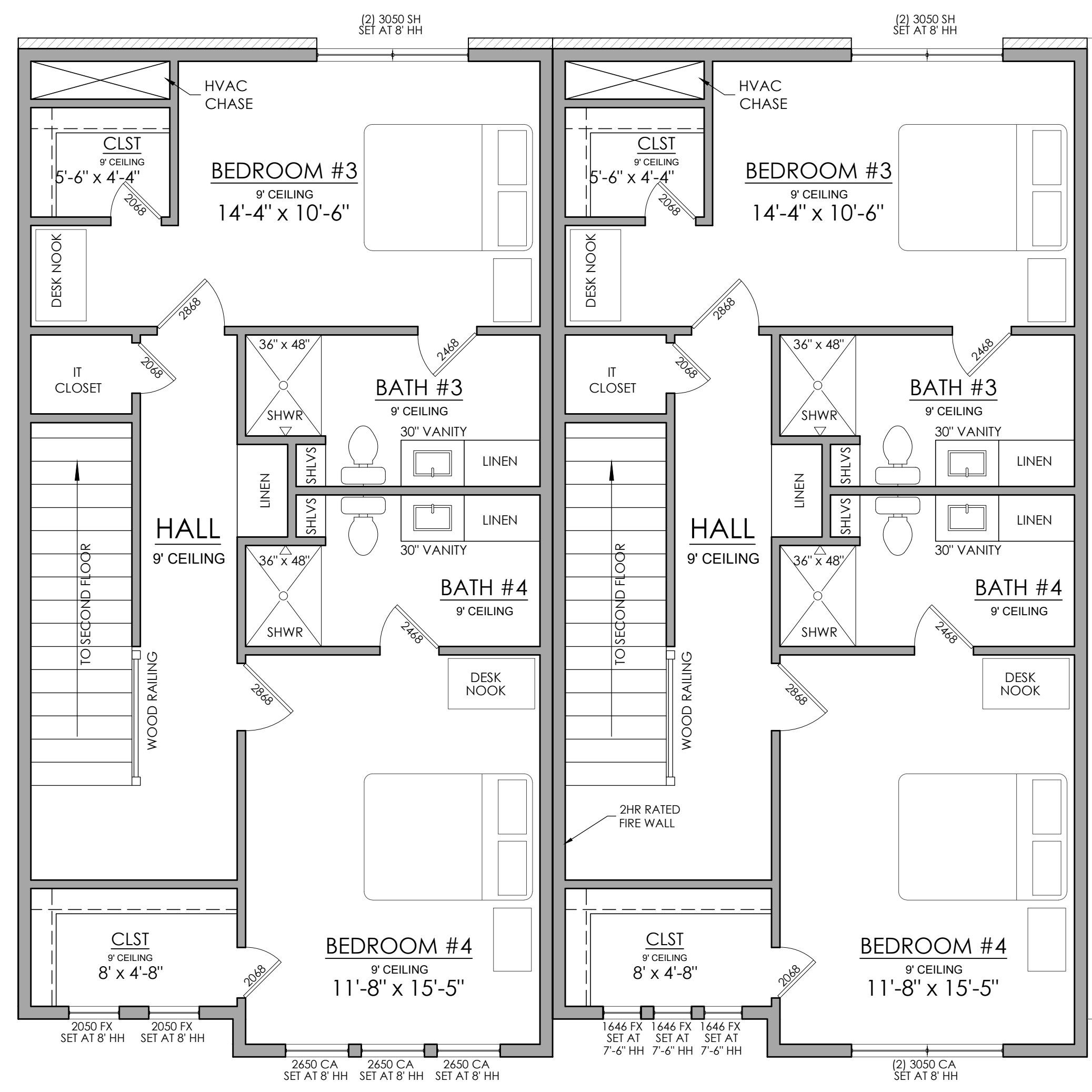
305 E. BOYD ST.
NORMAN, OK

SQUARE FOOTAGE

17,651 SQ FT

FLOORPLAN/
ELEVATION

A102



THIRD FLOOR
1/4"=1'-0"

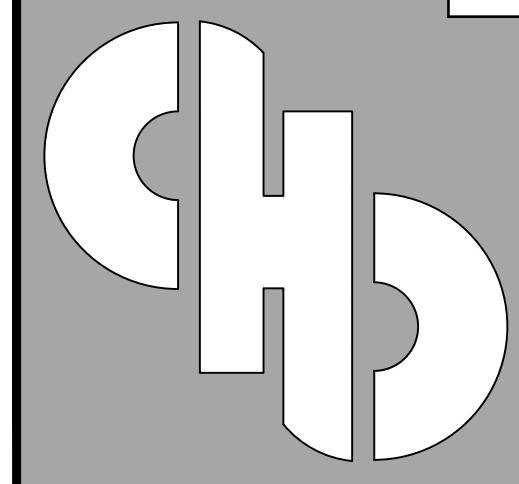


UNIT #1
GROUND STORY
FENESTRATION:
40.57%

UNIT #2
GROUND STORY
FENESTRATION:
36.79%

TOTAL BUILDING
FENESTRATION:
32.71%

FRONT ELEVATION OF TWO TYPICAL UNITS
1/4"=1'-0"



**creative
home
designs**

100 N. BROADWAY
SUITE 100
EDMOND, OK 73034
405-270-6417

6112 S. MEMORIAL DR
TULSA OK 74133
918-943-5154

120 E. TONHAWA ST
SUITE 103
NORMAN, OK 73069
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CHD.DESIGN

**BOYD ST
DEVELOPMENT**

REVISED 9-19-2023

NL

WOODS

BUILDING ADDRESS

305 E. BOYD ST.
NORMAN, OK

SQUARE FOOTAGE

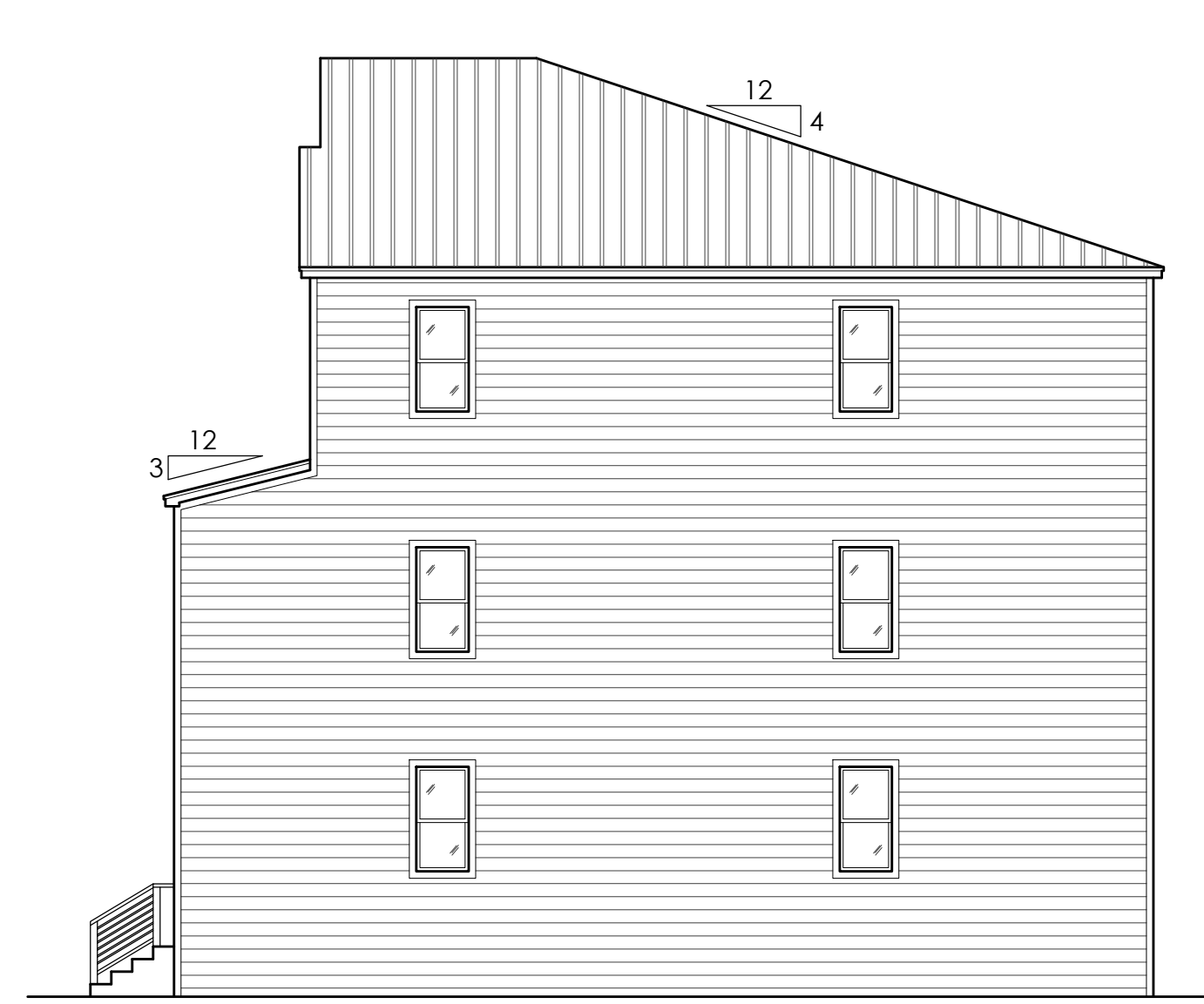
17,651 SQ FT

ELEVATIONS

A201



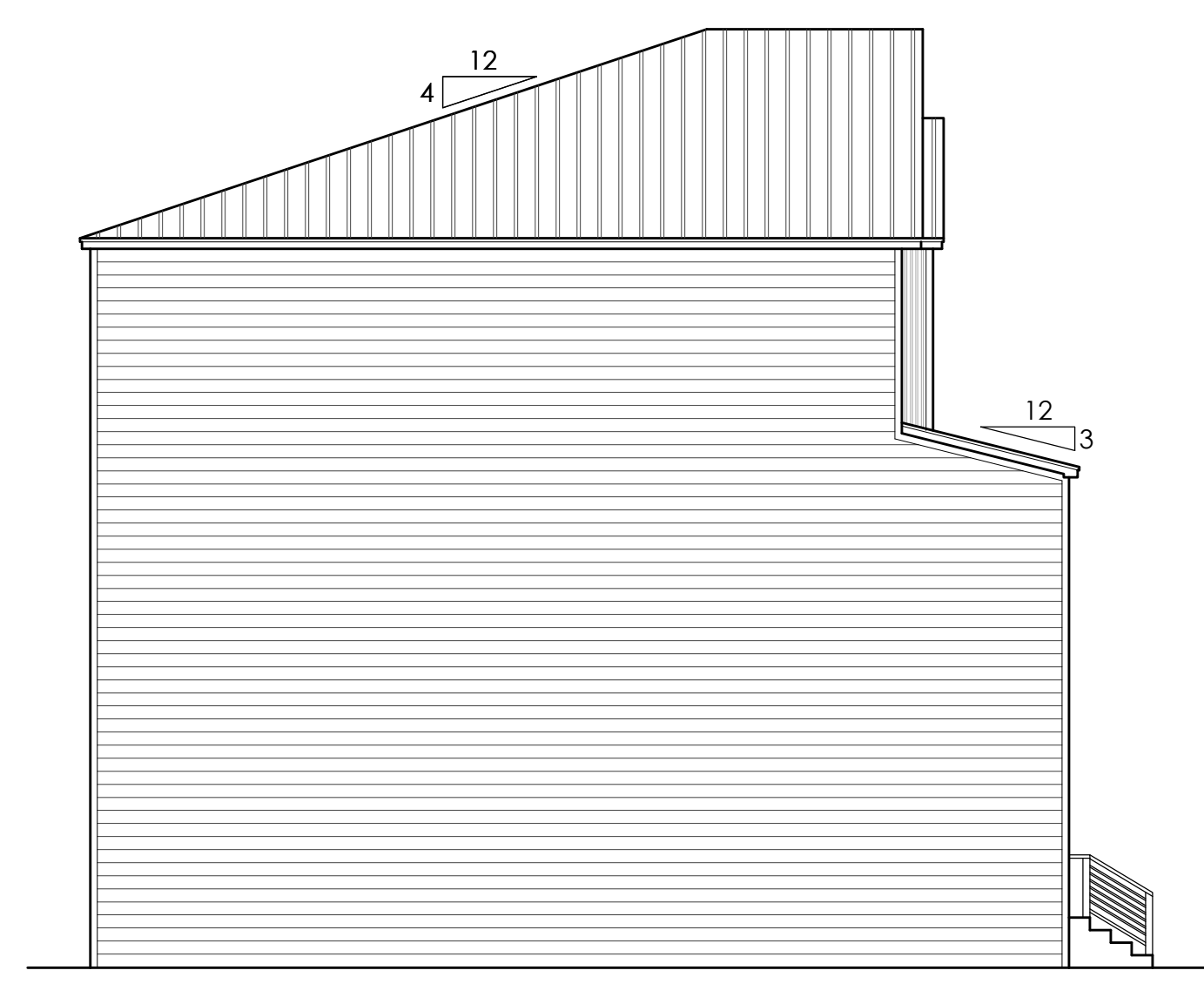
FRONT ELEVATION OF ENTIRE BUILDING
1/8"=1'-0"



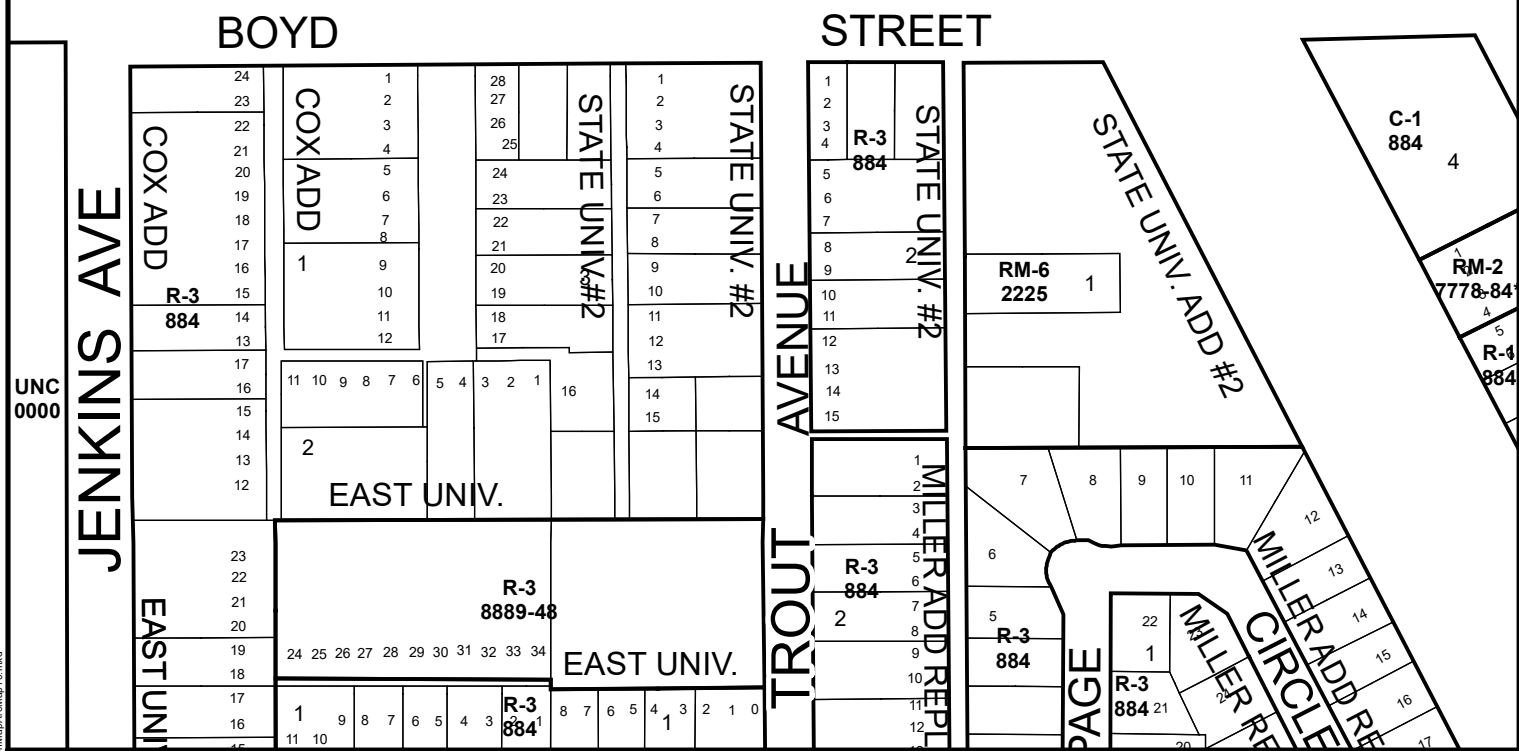
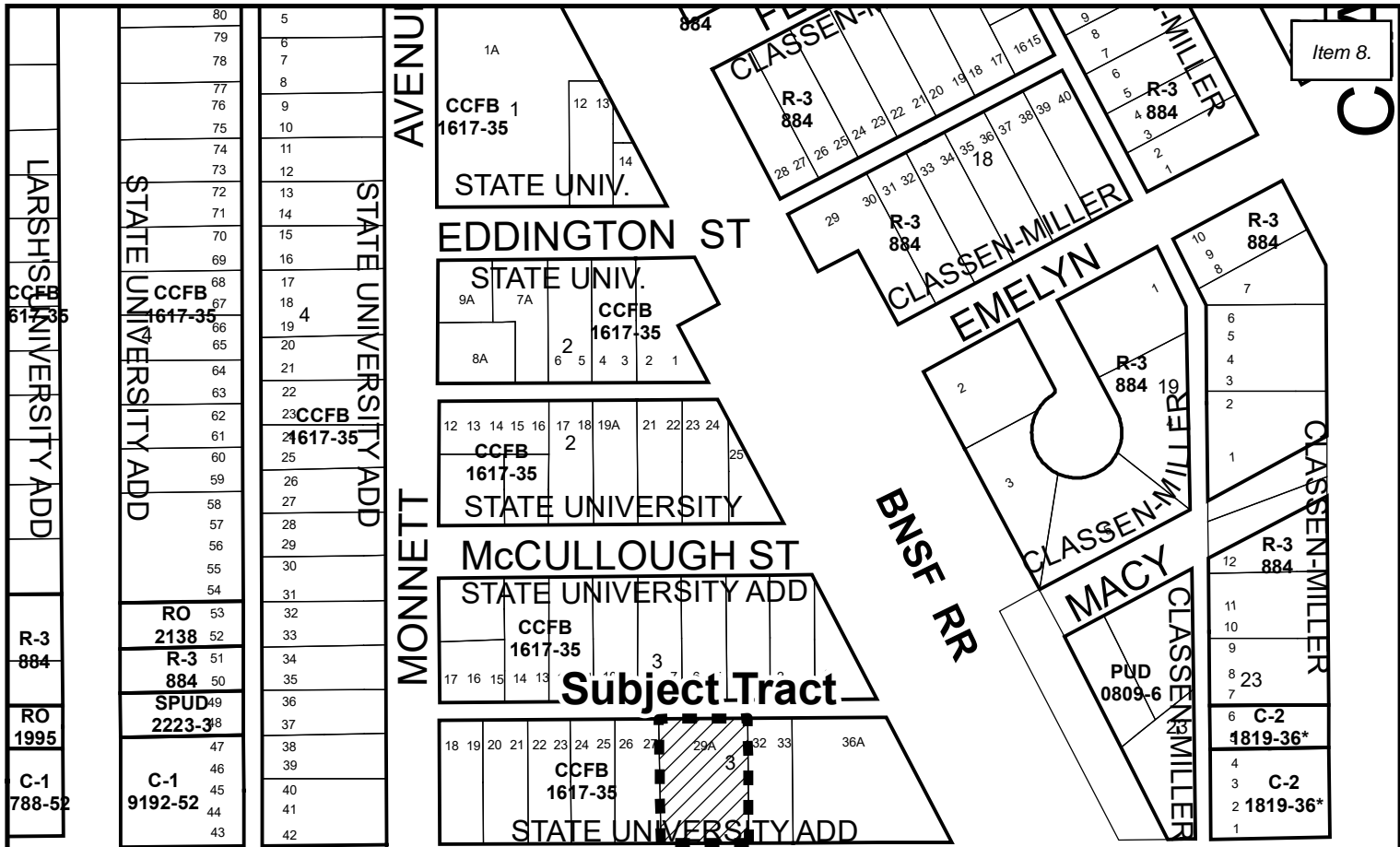
RIGHT ELEVATION
1/8"=1'-0"



REAR ELEVATION OF ENTIRE BUILDING
1/8"=1'-0"



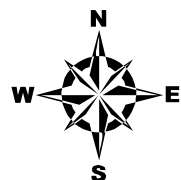
LEFT ELEVATION
1/8"=1'-0"



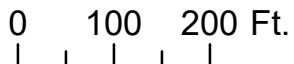
Location Map



Map Produced by the City of Norman Geographic Information System. The City of Norman assumes no responsibility for errors or omissions in the information presented.



September 6, 2023



Subject Tract

\\com-isb01\departments\GIS\GIS\GIS\Map Templates\lbr1 - LocationMapAcrMap10.mxd

Applicant: 208 Apache LLC

Project Location: 221 E Boyd Street

Case Number: PD 23-31

Time: 6:00 p.m.

Applicant Representative: Libby Smith, Gunner Joyce, & Sean Rieger, with Rieger Law Group

Attendees:

Lee Hall, 648 S. Lahoma
Councilmember Helen Grant
Councilmember Lauren Schueler

City Staff:

Anais Starr, Planner II
Amanda Stevens, Dev. Center Coordinator
Beth Muckala, Assistant City Attorney

Application Summary:

A request to rezone from CCFBC, Center City Form-Based Code, to CCPUD, Center City Planned Unit Development for a multi-family structure with five townhomes. Libby Smith presented a PowerPoint with drawings of the proposed redevelopment and described the project. Ms. Smith indicated that a companion project with similar configuration located at 305 E Boyd Street would be moving forward at the same time as this request.

Neighbor's Comments/Concerns/Responses:

Councilmember Grant asked if the primary reason for the CCPUD was the moving of the RBL. Ms. Smith stated that and the request for 4 bedrooms per unit. Lee Hall, asked if these were the only variances requested. Ms. Smith listed the requested variances. Attendees had questions about the location of the dumpster and whether there would be just one for both locations. Ms. Smith, indicated the location of the dumpster on the site plan for 305 E Boyd Street in her PowerPoint. Attendees asked for clarification on the number of units and bedrooms per structure. Ms. Smith explained the structure was comprised of five units with four bedrooms each while the companion project at 305 E Boyd Street would contain seven townhomes. Attendees also asked for clarification as to whether the requested variance to the RBL, would move the building closer to the front property line. Ms. Smith indicated the request was to move the RBL further back from the front property line in order to provide additional privacy for the tenants.



CITY OF NORMAN, OK
PLANNING COMMISSION MEETING
 Municipal Building, Council Chambers, 201 West Gray,
 Norman, OK 73069
 Thursday, October 12, 2023 at 6:30 PM

MINUTES

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 14th day of September, 2023.

Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <https://norman-ok.municodemeetings.com> at least twenty-four hours prior to the beginning of the meeting.

Chair Erica Bird called the meeting to order at 6:33 p.m.

ROLL CALL

PRESENT

Cameron Brewer
 Chair Erica Bird
 Douglas McClure
 Jim Griffith
 Maria Kindel
 Michael Jablonski

ABSENT

Steven McDaniel
 Liz McKown
 Kevan Parker

A quorum was present.

STAFF PRESENT

Jane Hudson, Planning Director
 Lora Hoggatt, Planning Services Manager
 Melissa Navarro, Planner II
 Anaïs Starr, Planner II
 Lisa Krieg, CDGB/Grants Manager
 Roné Tromble, Admin. Tech. IV
 Beth Muckala, Assistant City Attorney
 Anthony Purinton, Assistant City Attorney
 David Riesland, Transportation Engineer
 Todd McLellan, Development Engineer
 Jason Murphy, Stormwater Program Manager
 Bryce Holland, Multimedia Specialist

Center City PUDs

7. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Ordinance No. O-2324-17: CCR Boyd, L.L.C. requests rezoning from CCFBC, Center City Form-Based Code, to CCPUD, Center City Planned Unit Development, for 0.454 acres of property located at 305 E. Boyd Street.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. CCPUD Narrative with Exhibits A-D
4. Pre-Development Summary
5. Site Plan
6. Renderings, Floor Plans, Elevations

8. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Ordinance No. O-2324-18: 208Apache, L.L.C. requests rezoning from CCFBC, Center City Form-Based Code, to CCPUD, Center City Planned Unit Development, for 0.321 acres of property located at 221 E. Boyd Street.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. CCPUD Narrative with Exhibits A-D
4. Pre-Development Summary
5. Site Plan
6. Renderings, Floor Plans, Elevations

PRESENTATION BY STAFF: Anais Starr reviewed the staff report for 305 E. Boyd, a copy of which is filed with the minutes. This project is for 7 residential townhomes.

Ms. Starr also reviewed the staff report for 221 E. Boyd, a copy of which is filed with the minutes. This project is for 5 residential townhomes, with the same configuration as the prior project.

Mr. Jablonski asked the street tree requirements. Ms. Starr stated the CCFBC requires large street trees every 30'.

PRESENTATION BY THE APPLICANT: Gunner Joyce, Rieger Law Group, representing the applicants, explained that both projects have the same developer, with two different holding companies. This developer has built in the Center City area, and previously has built to code. He reviewed the projects and the reasoning behind their requests. There are power lines on the property, which is a reason a minor step-back is appropriate and street trees would not be functional bringing the building forward to 6'.

Mr. Jablonski commented it's a great location for development. He is concerned about heat and quality of life in the future. He likes the trees in the rear of the development, but asked about putting some in the center of the parking lots. Mr. Joyce pointed out the trees shown on the site plan in the rear of the buildings. He discussed issues with designing usable parking.

Ms. Bird asked about including shrubs in the front. Mr. Joyce said they would be happy to look at that.

Mr. Brewer commented that he was told the project on the corner at Monnett has asked for an allowance to plant their required trees at a time of year when they have the best chance of survival. Ms. Starr responded they have a requirement for landscaping in both the rear and the front by December.

Ms. Kindel asked what the surface material will be in the private open areas. Mr. Joyce responded that the projects are capped at 85% impervious.

Ms. Hudson commented that we also have to be cognizant of water and sewer lines which may restrict the placement of trees.

Mr. Joyce commented that the developer may want to plant some trees even if they are not required to do so.

Ms. Bird asked about the maximum of 4 bedrooms. Mr. Joyce responded there is a minimum unit count in CCFBC; they are exceeding that. There is a maximum bedroom count within the unit of 3, unless a special use or rezoning is requested.

AUDIENCE PARTICIPATION: None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Mr. Brewer commented on the space between the front of the building by Monnett to the curb. That project buried the power lines. We need street trees along Boyd Street.

Motion made by Griffith, seconded by Kindel, to recommend adoption of Ordinance No. O-2324-17 to City Council.

Mr. Griffith commented that he likes the project. This project is very close to a vision he had years ago for this area that would look like Brooklyn brownstones. He doesn't see any way to bury the power lines in front of the buildings and still plant trees.

Voting Yea: Bird, McClure, Griffith, Kindel

Voting Nay: Brewer, Jablonski

The motion to recommend adoption of Ordinance No. O-2324-17 to City Council passed by a vote of 4-2.

Motion made by Kindel, seconded by Griffith, to recommend adoption of Ordinance No. O-2324-18 to City Council.

Voting Yea: Bird, McClure, Griffith, Kindel

Voting Nay: Brewer, Jablonski

The motion to recommend adoption of Ordinance No. O-2324-18 to City Council passed by a vote of 4-2.

*

ORDINANCE NO. O-2324-18

ITEM NO. 8

STAFF REPORT

GENERAL INFORMATION

APPLICANT	208Apache, L.L.C.
REQUESTED ACTION	Rezoning to CCPUD, Center City Planned Unit Development
EXISTING ZONING	Center City Form-Based Code, Urban General Frontage
SURROUNDING ZONING	North: CCFBC District, Urban Residential Frontage East: CCFBC District, Urban General Frontage South: University of Oklahoma West: CCFBC District, Urban General Frontage
LOCATION	221 E. Boyd Street
SIZE	0.321 acres, more or less
PURPOSE	Residential Townhomes
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Residential Apartments (under construction) and an existing multi-unit residential structure East: Residential Duplex South: University of Oklahoma West: Vacant single-family house
LAND USE PLAN DESIGNATION	Low Density Residential

REQUEST SUMMARY/CCFBC EXCEPTIONS:

This is a request to rezone the area located at 221 E. Boyd Street, designated as Center City Form Based Code District, to a Center City Planned Unit Development (CCPUD), as outlined in Appendix B of the Center City Form-Based Code.

The proposal for this site is to construct five (5) residential townhomes with each unit being allowed a maximum of four (4) bedrooms for a total of twenty (20) bedrooms for the site. Each three-story unit will have the living room and kitchen on the second floor with the first and the third floors each having two bedrooms. To provide additional privacy for the residents, the applicant is proposing the following: move the Required Building (RBL) to six (6') feet behind the property line, increase the finished floor elevation to thirty-six inches (36"), and provide recessed doors, stoops and balconies. The three-story, five-unit structure consists of a total area of 5,331 square feet, as illustrated on Exhibit B, Site Development Plan. Open space will be provided on the north side of the building and through front balconies of the individual units. A total of twenty-five (23) on-site parking spaces are provided as shown on the Site Plan. Three of the parking spaces are to be shared with the property at 305 E. Boyd Street.

BACKGROUND:

This is a CCPUD application moving forward to Planning Commission and City Council to request an amendment to the recently adopted Center City Form Based Code (CCFBC); many may not be aware of the extent and process that went into the preparation and review of the CCFBC; below is an overview for those not familiar with the process.

City Council approved a Memorandum of Understanding (MOU) between the City of Norman and the University of Oklahoma (OU) on January 14, 2014. The MOU set forth the terms and conditions that would govern the development of a Center City Master Plan/Visioning Project and outlined the responsibilities of the City of Norman and the University of Oklahoma.

The Center City Form-Based Code, which is the outcome of this Project, was generated and recommended through a Steering Committee. In addition, there was an Executive Subcommittee of the Steering Committee which was comprised of one representative from the City of Norman, one representative from the University of Oklahoma, and one citizen chosen jointly by the City of Norman and the University of Oklahoma.

The City Council moved forward with this project in cooperation with the University of Oklahoma for many reasons. Some of the reasons were that the current zoning regulations were not adequately handling the growing, modern demand for infill development in Norman's Center City area; that there was significant community disagreement about market-driven proposals for infill development; that the professional charrette process was the best technique available to articulate community-supported vision; and that building community support for a vision followed by development of land use regulations that allows the achievement of the vision will provide both community and investors' confidence and certainty. The results of the Charrette process became the foundation for an illustrated, well-articulated, community-supported vision for the future of the Center City area, Center City Form Based Code (CCFBC).

ZONING DISTRICTS INCLUDED IN THIS DOCUMENT:

Urban General – The basic urban street frontage, once common across the United States purpose is to develop multi-story buildings placed directly at the sidewalk or behind small dooryards.

Urban Residential – Same as the Urban General except that the uses are limited to residential and related support services.

Urban Storefront – Represents the prototypical “main street” form with shopfronts along the sidewalk and a mix of uses above. A high level of pedestrian activity is anticipated. It is a subset of the Urban General frontage, with more specific requirements at the street level.

Detached – This frontage is represented by the traditional single-family house with small front, side and rear yards along tree-lined streets.

The CCFBC is composed of Building Form Standards and Public Space Standards mapped to a Regulating Plan.

Building Form Standards regulate simple things like: how far buildings are from sidewalks, how much window area at a minimum a building must have, how tall it is in relation to the width of the street, how accessible and welcoming front entrances are, and where a building's parking should be located. Building Form Standards require buildings to have windows and welcoming entries that contribute to life on the sidewalk and they require the placement of parking to the rear of buildings to ensure that it doesn't get between buildings and pedestrians. These standards require that buildings support and shape the public spaces of our city.

PARTICULARS OF THIS CCPUD:

The applicant is requesting this CCPUD in order to build five residential townhomes as illustrated on the attached drawings. The applicant is able to comply with many of CCFBC requirements. However, due to the applicant's desire to provide setback from Boyd Street and to allow for more bedrooms per unit, the applicant is requesting the following modifications to the Center City Form Based Code, as follows:

1. Move the Required Building Line (RBL) along Boyd Street from three feet (3') behind the property line to six feet (6') behind the property line. Staff would note that City Council adopted a new CCFBC Regulating Map on August 22, 2023 that moved the RBL from nine feet (9') to three feet (3'). This change became effective September 22, 2023. The applicant submitted for Planning Commission on September 1, 2023.
2. Allow a maximum of four (4) bedrooms per unit.
3. Increase the allowed offset from the RBL from twenty-four inches (24") to a maximum of sixty inches (60") to allow for recessed door, stoops, balconies and entry doors.
4. Eliminate the requirement for Street Trees. The applicant will be providing additional landscaping behind the structure along with amenities such as grills and picnic tables.
5. The applicant is proposing one bike rack per unit, for a total of five (5) racks, whereas only three bike racks are required for the site.

OTHER AGENCY COMMENTS:

PRE-DEVELOPMENT: There were three attendees at the Pre-Development Meeting and they asked questions pertaining to both 221 & 305 E. Boyd Street. Attendees asked for

clarification of the proposed redevelopments, in particular, regarding the number of unit bedrooms as well as the location of the dumpster. They also wanted to know the reason for the CCPUD.

GREENBELT COMMISSION MEETING: No meeting was required for this application.

PARK BOARD: Parkland dedication is not required for this application.

PUBLIC WORKS: No Comments.

UTILITIES: The use of a shared dumpster at 305 E. Boyd will eliminate the numerous polycarts that would be required for service to this location. Recycling will be through regional recycling centers

CONCLUSION: Staff forwards this request and Ordinance No. O-2324-18 to Planning Commission for consideration and a recommendation to the City Council.

File Attachments for Item:

9. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-19 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE LOT 8A, IN BLOCK SIXTEEN (16), AND THE WEST HALF (W/2) OF VACATED JULIA STREET, OF J.A. JONES ADDITION TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT, AND PLACE SAME IN THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (119 AND 117 E. ACRES STREET)



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: Emmanuel Enguerra

PRESENTER: Jane Hudson, Director of Planning & Community Development

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-19 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE LOT 8A, IN BLOCK SIXTEEN (16), AND THE WEST HALF (W/2) OF VACATED JULIA STREET, OF J.A. JONES ADDITION TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT, AND PLACE SAME IN THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (119 AND 117 E. ACRES STREET)

PROJECT OVERVIEW: The subject properties are part of a SPUD, Simple Planned Unit Development approved as Ordinance No. O-2021-39. The SPUD is located at 109, 111, 113, 115, 117, and 119 E. Acres Street, formerly 111 and 113 E. Acres Street. The initial SPUD for this site included accessory dwelling units; therefore, the property was given additional addresses. The current owner purchased the subject lot and is now requesting to add Short-Term Rentals to the allowed uses for only 117 and 119 E Acres Street. No other changes are requested for the SPUD.

PROCEDURAL REQUIREMENTS:

GREENBELT COMISSION: N/A

PRE DEVELOPMENT MEETING: N/A

ZONING ORDINANCE CITATION:

SEC 36-510 – SIMPLE PLANNED UNIT DEVELOPMENTS

1. General Description. The Simple Planned Unit Development referred to as SPUD, is a special zoning district that provides an alternate approach to the conventional land use controls and to a PUD, Planned Unit Development to maximize the unique physical features of a particular site and produce unique, creative, progressive, or quality land developments.

The SPUD may be used for particular tracts or parcels of land that are to be developed, according to a SPUD Narrative and a Development Plan Map and contains less than five (5) acres.

The SPUD is subject to review procedures by Planning Commission and adoption by City Council.

2. **Statement of Purpose.** It is the intent of this section to encourage developments with a superior built environment brought about through unified development and to provide for the application of design ingenuity in such developments while protecting existing and future surrounding areas in achieving the goals of comprehensive plan of record. In addition the SPUD provides for the following:

Encourage efficient, innovative use of land in the placement and/or clustering of buildings in a development and protect the health, safety and welfare of the community.

Contribute to the revitalization and/or redevelopment of areas where decline of any type has occurred. Promote infill development that is compatible and harmonious with adjacent uses and would otherwise not be an area that could physically be redeveloped under conventional zoning.

Maintain consistency with the City's Zoning Ordinance, and other applicable plans, policies, standards and regulations on record.

Approval of a zone change to a SPUD adopts the Master Plan prepared by the applicant and reviewed as a part of the application. The SPUD establishes new and specific requirements for the amount and type of land use, residential densities, if appropriate, development regulations and location of specific elements of the development, such as open space and screening.

STAFF ANALYSIS: The particulars of this SPUD include:

USE: The requested uses for the SPUD include:

- (a) Detached one family dwelling
- (b) One Single-Family dwelling and a garage apartment (*ADU).
- (c) Accessory Storage Buildings
- (d) Short-Term Rentals*, for 117 and 119 E Acres Street ONLY**

*ADU - A structure which is subordinate to, and the use of which is incidental to, that of the main structure on the same lot and includes a room or group of rooms forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

*A Short-Term Rental is defined as the rental of an existing or otherwise permitted dwelling structure or any portion thereof, for a period of not more than thirty (30) days, where the owner is engaged in a contract for the rental of that specific dwelling, or any portion thereof.

With the exception of the Short-Term Rental use, the other uses are all permitted uses under the current SPUD.

SITE PLAN/ACCESS: No changes are proposed to the existing layout of the lot. The property was developed according to the SPUD site plan adopted with Ordinance No. O-2021-39.

ALTERNATIVES/ISSUES:

IMPACTS: The proposed uses in the SPUD are uses that are currently allowed by right in the R-2 zoning district, including the Short-Term Rental use. The intensity of use will not have a negative impact on the surrounding properties. Short-Term Rentals are allowed in all residential zoning districts. The previous SPUD did not include the use but the current owner would like to add it to their allowable uses. The applicant will be required to obtain a Short-Term Rental license per the requirements in Chapter 20, Article 20-XXVII Short-Term Rentals.

CONCLUSION: Staff forwards this request for a Simple Planned Unit Development and Ordinance O-2324-19 to City Council for consideration.

At their October 12, 2023 meeting, Planning Commission unanimously recommended adoption of Ordinance No. O-2324-19 to City Council, by a vote of 6-0.

O-2324-19

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE LOT 8A, IN BLOCK SIXTEEN (16), AND THE WEST HALF (W/2) OF VACATED JULIA STREET, OF J.A. JONES ADDITION TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT, AND PLACE SAME IN THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (119 and 117 E. Acres Street)

- § 1. WHEREAS, Emmanuel Enguerra, the owner of the hereinafter described property, has made application to have the subject property removed from the SPUD, Simple Planned Unit Development District and placed in the SPUD, Simple Planned Unit Development 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 on October 12, 2023 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 36-201 of the Code of the City of Norman, Oklahoma, is hereby amended so as to remove the following described property from the SPUD, Simple Planned Unit Development District and place the same in the SPUD, Simple Planned Unit Development District, to wit:

LOT 8A: A parcel of land being a part of Lot Eight (8), in Block Sixteen (16), and the West Half (W/2) of vacated Julia Street, of J.A. Jones Addition, to the City of Norman, Cleveland County, Oklahoma, according to the recorded plat thereof, and being more particularly described as follows:

COMMENCING at the Northwest corner of Lot 5 of said Block Sixteen (16) of J.A. Jones Addition; Thence North 89°52'13" East, along the North line of Lots 5, 6, 7, and 8 a distance of 83.33 feet to the Point of Beginning;

Thence continuing North 89°52'13" East, along the North line of Lot 8, a distance of 41.67 feet to a point on the East line of the West Half (W/2) of vacated Julia Street; Thence South 00°13'55" East, a distance of 140.00 feet; Thence South 89°52'13" West, along the South line of said Lot 8, a distance of 41.67 feet; Thence North 00°13'55" West a distance of 140.00 feet to the Point of Beginning. According to the Lot Line Adjustment recorded in Book 6314, Page 982.

Said tract contains 0.13390 acres more or less.

- § 5. Further, pursuant to the provisions of Section 36-510 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 SPUD Narrative, Site Development Plan, and supporting documentation which are made a part hereof.

§ 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 _____, 2023.

NOT ADOPTED this _____ day of _____, 2023.

(Mayor)

(Mayor)

ATTEST:

(City Clerk)

THE GATEWAY OF E. ACRES ST.

A SIMPLE PLANNED UNIT DEVELOPMENT
117 AND 119 E ACRES STREET
NORMAN, OKLAHOMA

INITIALLY PREPARED AND REVISED BY KATY CONSTRUCTION CO.
Keith M. McCabe, Builder- Owner
Submitted March 1, 2021 – Revised April 1, 2021
Adopted by City Council on May 25, 2021
Ordinance No. O-2021-39

**AMENDED BY PLAINVIEW LEGAL GROUP PLLC
On Behalf of Emmanuel Enguerra, Owner
To Amend the Permitted Uses of 117 and 119 E Acres St**

PREPARED BY:

PLAINVIEW LEGAL GROUP PLLC
TRAVIS DENNIS
P.O. BOX 847
NORMAN, OK 73070

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 - E. Utility Services
 - F. Fire Protection Services
 - G. Traffic Circulation/ Access

- III. DEVELOPMENT PLAN AND DESIGN CONCEPT
 - A. Single-Family Residences
 - B. Accessory Dwelling Units
 - C. Traffic Access/ Circulation/ Parking/ Sidewalks
 - D. Development Phasing

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- B. Storm Water/ Drainage Report

COVER LETTER

EMMANUEL ENGUERRA, hereinafter referred to as “Applicant”, respectfully submits this SPUD amendment, only for the real property (the “Subject Property”) as follows:

LOT 8A

A parcel of land being a part of Lot Eight (8), in Block Sixteen (16), and the West Half (W/2) of vacated Julia Street, of J.A. JONES ADDITION, to the City of Norman, Cleveland County, Oklahoma, according to the recorded plat thereof, and being more particularly described as follows:

COMMENCING at the Northwest corner of Lot 5 of said Block Sixteen (16) of J.A. Jones Addition;

Thence North 89°52’13” East, along the North line of lots 5, 6, 7, and 8 a distance of 83.33 feet to the Point of Beginning;

Thence continuing North 89°52’13” East, along the North line of Lot 8, a distance of 41.67 feet to a point on the East line of the West Half (W/2) of vacated Julia Street;

Thence South 00°13’55” East, a distance of 140.00 feet;

Thence South 89°52’13” West, along the South line of said Lot 8, a distance of 41.67 feet;

Thence North 00°13’55” West a distance of 140.00 feet to the Point of Beginning.

According to the Lot Line Adjustment recorded in Book 6314, Page 982.

, which includes the addresses commonly known as 117 E Acres Street, Norman, Oklahoma 73069 and 119 E Acres Street, Norman, Oklahoma 73069.

The Subject Property is currently zoned as a SPUD, pursuant to O-2021-39 (the “2021 SPUD”). The Applicant seeks this SPUD amendment to update the permitted uses for his property to include Short-Term Rentals. There are no changes to the SPUD boundaries or site plan, and no new construction is requested. The sole purpose of the amendment is to add Short-Term Rentals to the permitted uses for the Subject Property.

For convenience purposes, the entirety of the 2021 SPUD Narrative is contained below. Amendments made to the 2021 SPUD are shown in **bold**.

I. INTRODUCTION

The Gateway of E. Acres St. project (the "Addition") is proposed as a Simple Planned Unit Development (SPUD) generally located at 111, 113, 115, 117, and 119 E Acres Street formerly 111 and 113 East Acres Street. The Addition is approximately 0.4000 acres in land area and proposed to feature a variety of Single-Family residential units, and Accessory Dwelling Units over garages located at the rear of each property.

The Applicant has separately submitted a Lot Line Adjustment that conforms to the SPUD site plan.

This SPUD District will allow the necessary greater flexibility in design to create an affordable community with a variety of family units and building types along with creative circulation patterns.

Upon completion, the SPUD will provide more residentially and pedestrian appealing designs than would otherwise be attainable under conventional practices and regulations of the development guidelines of the City of Norman. Therefore, flexibility in the design and construction of lot sizes, which help to provide a more distinct neighborhood concept, is critical. This more efficient, compact developed area within the Addition will allow for the unique use of Core Norman land for single family residences, along with Accessory Dwelling Units* (ADUs) over garages. This will allow for greater flexibility for the homeowners and still retain the existing character of the neighborhood.

**ADU - A structure which is subordinate to, and the use of which is incidental to, that of the main structure on the same lot and includes a room or group of rooms forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating*

II. PROPERTY DESCRIPTION - EXISTING SITE CONDITIONS

A. Location

The Gateway of E. Acres St. is located at **111, 113, 115, 117, and 119 E Acres Street.**

B. Existing Land Use and Zoning

The property is currently zoned SPUD, Simple Planned Unit Development and is located in the Central Norman Zoning Overlay District (CNZOD) area.

C. Elevation and Topography

The site consists of flat terrain. The lot drains to the north and south. This environment has influenced the application of this SPUD to change the

building setbacks to allow for redevelopment. The end result is the possibility for open space and scenic views of Core Norman for the residents and passing public. This lot sits just east of the railroad tracks, Legacy Trail, the newly developed Norman Forward project - the Blake Baldwin Skate Park, and the new Norman Public Library. No portion of the site is in the 100-year flood plain.

D. Drainage

A Drainage Impact Analysis has been prepared to illustrate the detention requirements that are required and the solutions planned. A Drainage Impact Analysis has been already been submitted and approved by the City on June 2, 2021. This SPUD will be done in accordance with and not change the previously approved drainage solution.

E. Utility Services

Many of the required utility systems for the project (including water, sewer, gas, telephone and electric) are currently located adjacent to the boundaries of the property, and all have been installed and developed to date.

F. Fire Protection Services

Fire Protection services will be provided by the City of Norman Fire Department and by Owner provided NFRA 13R building sprinkler systems in applicable structures, where required, if required.

G. Traffic Circulation and Access

Primary vehicular access to the site would be provided from East Acres Street for the Main Houses and additionally the alley located to the north of Acres Street, for the ADUs.

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

A. Single-Family Development

The SPUD shall consist of three residential lots with a single-family structure and an accessory dwelling unit over a garage upon each lot.

1. Lot Design

The purpose for the SPUD is to allow variances from the previous required lot area, setbacks and coverage for redevelopment of these lots with greater flexibility to create an updated model for increased density and varied lot dimensions in the Core Area of Norman:

- a. A variance to the lot width from the required 50-foot street frontage, to a 41.66-foot street frontage. The lot depth is to remain 140-foot.
- b. A variance to the 7,000 SF lot area requirement for a single-family home and ADU. The lots are approximately 5,833. Lot dimensions will be equally spaced throughout the Addition.
- c. A variance to the required front yard setback of 25 feet. This SPUD instead provides for a 20-foot front yard setback. Such a setback will encourage and allow single family homes, and various living spaces to come forward and greet the streetscape.

The below development standards shall meet the current zoning requirement for current zoning development standards.

- d. All single-family homes shall have a 60-foot rear yard setback.
- e. The proposed ADUs located at the rear of the lot, off the alley, shall meet the required 20-foot back yard setback.
- f. Each lot shall be developed with the typical 5-foot side yard building setback line.

CNZOD, Central Norman Zoning Overlay District

The CNZOD requires Special Use for any development/redevelopment within the District that contains four (4) or more bedrooms. This development proposal is submitted as a SPUD, Simple Planned Unit Development and included in this SPUD is the request to allow the opportunity of a fourth bedroom in the single family structures. The number of bedrooms will be dependent on the buyer, so at this time there is no way of knowing if the prospective buyer will request three (3) or four (4) bedrooms.

2. Housing Construction

Homes in the SPUD shall be Type VB (non-sprinkled) construction, single family, detached homes that will retain the character of the existing neighborhood and neighborhood manners. Houses shall be of wood frame construction. Houses shall be one (1) or two (2) stories. Garages may have no more than a two-vehicle capacity/or no more than a 500 SF footprint, with ADUs built directly above said garages.

The maximum square foot area requirements for the footprint of single-family structures (Ground Floor Living Area) shall be 1,535

square feet, as demonstrated on the designed site plan, which applies to indoor living space and is exclusive of garages, covered porches, patios, and breezeways.

All the roofs shall be constructed with shingles with a minimum weight of 210 pounds per square or the equivalent. The roofs shall have a minimum pitch slope of 8 on 12. Lower pitch roofs are allowed only for covered porches, patios, and breezeways, but with a minimum of 3 on 12. Metal may be used on lower pitched roofs.

The principal exterior of any residential structure shall be a minimum of thirty percent (30%) masonry and the remaining percent balance of the exterior shall be of frame, wood, or shingles which blend with the masonry.

A single ADU, located directly above a garage, of no more than 500 square feet in total size, may be constructed upon each lot.

3. Storage Buildings

A storage building is defined as a structure, part of a building or part of a structure which is subordinate to and the use of which is incidental to, that of the main building, structure or use on the same lot, including a private garage. A storage building may not be habitable and a storage building may not include a guest house or servant's quarters.

Height regulations for storage buildings (excluding ADUs): Any storage building shall not exceed a wall height of twenty (20) feet unless the required side and rear yard setbacks are increased by one (1) foot for each additional foot of wall height above twenty (20) feet. Provided, however, that no storage building shall exceed the height of the principal building to which it is accessory.

B. Open space and green space

Each lot shall be permitted 51% impervious area (the remaining 49% pervious), as demonstrated in the designed Site Plan and in conformance with the attached Storm Water/Drainage Report.
(See Exhibit B - Storm Water/ Drainage Report)

C. Traffic access/circulation/parking and sidewalks

The SPUD shall have public streets serving all residential lots. The access to the SPUD shall be from East Acres Street and the alley (north) of Acres St., as demonstrated on the Site Plan.

All private sidewalks shall be at least three feet (3') wide and provide adequate access (normal/accessible) to the building structures. A new four-foot-wide (4') sidewalk shall replace the existing sidewalk within the public right-of-way along East Acres Street, constructed to City of Norman Standards.

D. Development Phasing

The project may be developed in phases to begin as soon as the market demand will support. Market demand will be the determining factor of when units are constructed. A maximum of three phases are planned. Phasing may be modified at the discretion of Developer.

E. Site Plan

The site plan submitted shows the three (3) single-family residences, each with an above-garage ADU located at the rear of each lot.
(See Exhibit A)

F. Uses Permitted

The allowed uses in the Addition are:

- (a) Detached one family dwelling
- (b) One Single-Family dwelling and a garage apartment(*ADU).
- (c) Accessory Storage Buildings
- (d) **Short-Term Rentals*, for 117 and 119 E Acres Street ONLY**

**ADU - A structure which is subordinate to, and the use of which is incidental to, that of the main structure on the same lot and includes a room or group of rooms forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.*

**A Short-Term Rental is defined as the rental of an existing or otherwise permitted dwelling structure or any portion thereof, for a period of not more than thirty (30) days, where the owner is engaged in a contract for the rental of that specific dwelling, or any portion thereof.*

G. Trash Service

Trash service will be provided by way of polycarts serviced from the alley.

Exhibit A

Proposed Preliminary Site Development Plan

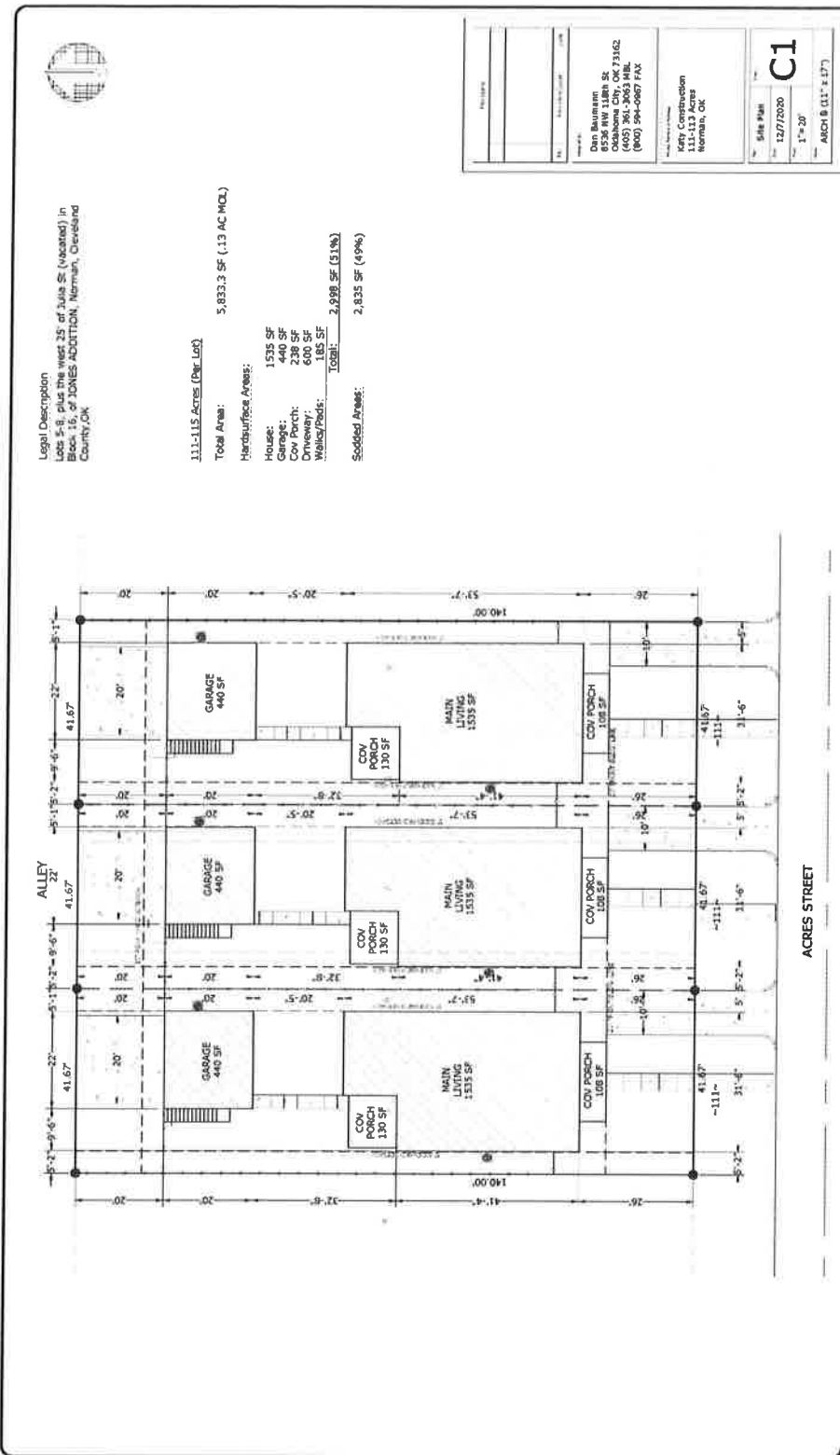


Exhibit B
Proposed Storm Water/ Drainage Report



ENGINEERING ♦ LAND SURVEYING ♦ GEOTECHNICAL SERVICES
OK CA 8422

Item 9.

DRAINAGE REPORT

FOR

THE GATEWAY ON ACRES STREET

111-113 Acres Street
Norman, OK 73069

March 1, 2021



Corp. Office: 218 West Side Blvd. ♦ Muskogee, OK 74403 ♦ 918.438.7966
West Oklahoma Office: 7006 NW 63rd Street, Suite 102 ♦ Bethany, OK 73008 ♦ 405.210.3169



City Engineer

PROJECT:

**The Gateway on Acres Street
111-113 Acres Street
Norman, OK 73069**

Katy Construction proposes to develop this parcel of land into three (3) individual lots with a two story residential unit and an auxiliary dwelling unit on each lot. At the time of this report, the existing two homes, outbuildings and all pavements have been removed.

The property has 125 feet of frontage on the north side of Acres Street and 125 feet frontage at the existing city alley. The property is 17,000 s.f. or 0.40 acres. The alley will be used as access for the auxiliary dwelling units.

HISTORIC DATA

The historical drainage area used for this report is the entire 125'X140' plus the city right-of-way to the back of existing curb on Acres Street. This makes the Historic DA=0.45 acres. of the property is 1.16 acres. The property drains both to the NW and the SW, so two Historic basins were calculated to determine the total Historic release rate. Basin A drains SW to Acres Street and has a DA of 0.32 acres, and a Q100 of 1.79 cfs. Basin B drains NW to the alley and has a DA of 0.13 acres, and a Q100 of 0.81 cfs.

The total Historic release for a 100 year storm event is 2.70 cfs.

DEVELOPED DATA

The developed project has been divided by into two (2) basins. They are as follows:

BASIN A

The developed drainage area for Basin A is 0.30 acres and drains SW to Acres Street. The Developed Q100 = 2.01 cfs.

BASIN B

The developed drainage area for Basin B is 0.15 acres and drains NW to the existing alley. The Developed Q100 = 1.06 cfs.

Total Developed release for a 100 year storm event is 3.07 cfs.

This development will cause an increase of 0.37 cfs. during the 100 year storm. This 0.37 cfs. has been mitigated by the construction of three (3) Porous Paver parking areas in Basin B. The 3 parking areas have a total of 1200 s.f. of surface area and will allow water to be absorbed below grade and when the aggregate section is saturated it will flow in 4" pvc piping to Acres Street and released through the concrete curb. Refer to Exhibit B in this report for details of the Porous Paver Parking details.



ENGINEERING ♦ LAND SURVEYING ♦ GEOTECHNICAL SERVICES
OK CA 8422

SUMMARY

This project has been prepared under my direct supervision; the attached Plans comply with the City of Norman governing ordinances. The discharge from this site will not exceed the historical rates for this property prior to development for the 2 year, 5 year, 10 year, 25 year 50 year and 100 year frequency storm.

Respectfully submitted,

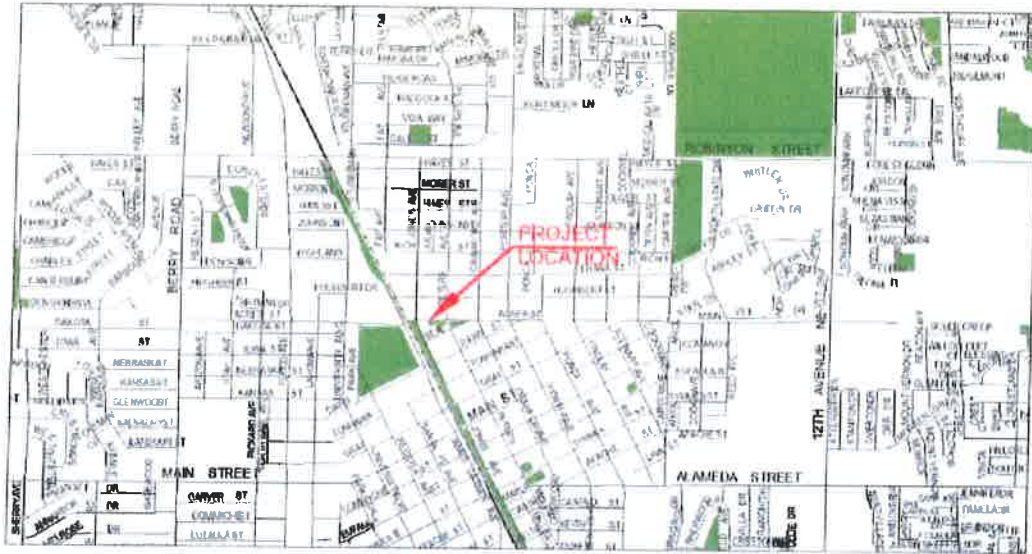
Date: 03/01/21

Darin Teeman, PE 25180



Corp. Office: 218 West Side Blvd. ♦ Muskogee, OK 74403 ♦ 918.438.7966
West Oklahoma Office: 7006 NW 63rd Street, Suite 102 ♦ Bethany, OK 73008 ♦ 405.210.3169

City of Norman WebMap



G:\Shared\Drawings\Engineering\Department\05-ENGINEERING\CONTRACTS\E20-116-1-4ETH McCABE-111-113 E. ACRES 05-DWG-01-McCABE BASE_21-02-25.DWG 2/27/2021 1:55:53 PM 11

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◆ GEOTECHNICAL SERVICES

A NATIVE AMERICAN OWNED FIRM

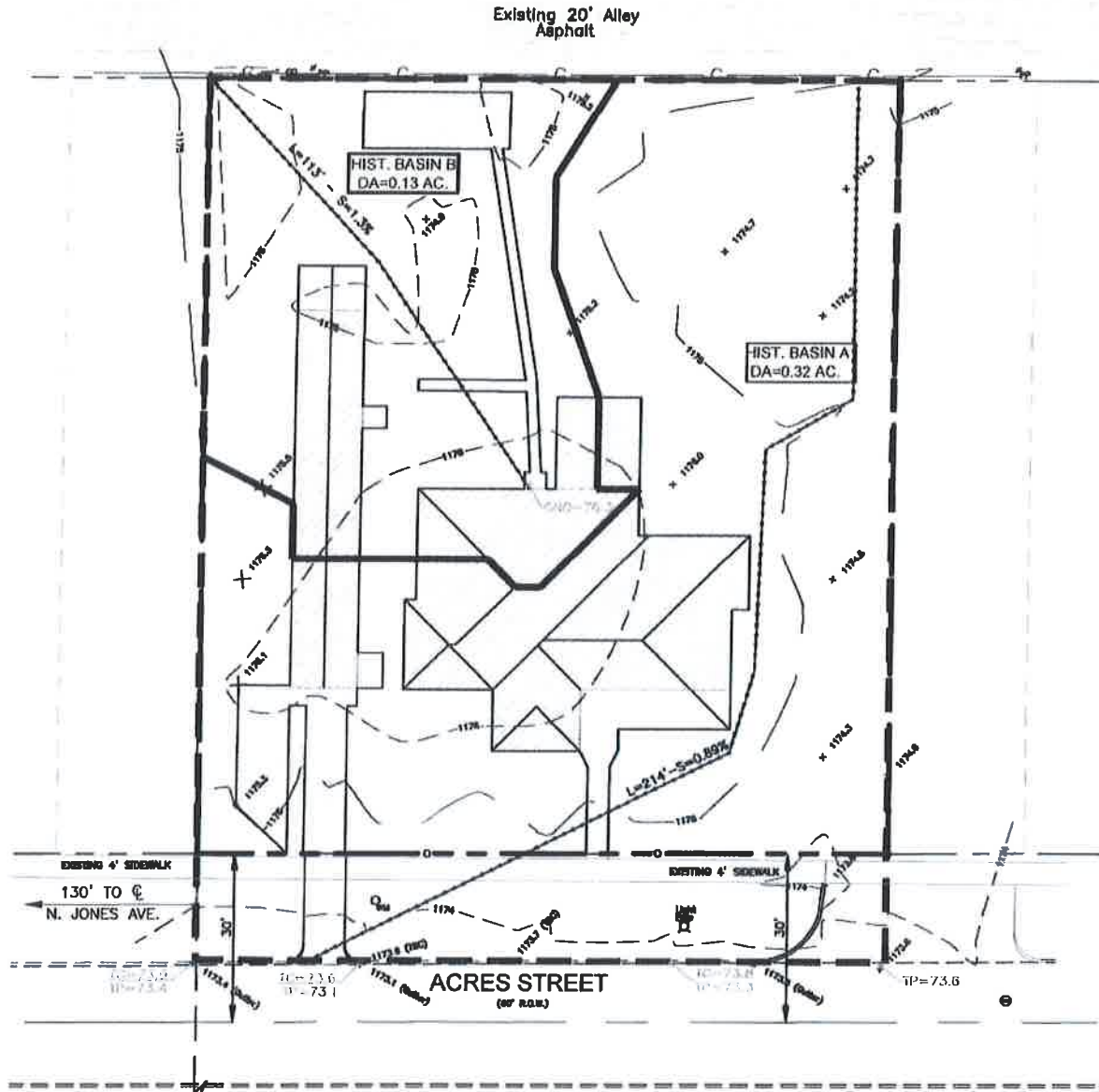
CORPORATE OFFICE
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MUSKOGEE, OK 74403
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OK CR 8482

OKLAHOMA WEST OFFICE
Terry L. Pollock
CELL: 405.210.3169
terry@stp-solutions.com

THE GATEWAY ON E. ACRES ST.
KEITH McCABE
111-113 ACRES ST.
NORMAN, OK



LOCATION MAPS	
Drawn By: TLP	Scale: NONE
Checked By: DT	Date: 03/01/21
Project No.: E21-100.1	EXHIBIT A



HISTORIC RUNOFF CALCULATIONS

BASIN A	BASIN B
DA= .32 AC.	DA= .13 AC.
L= 214'	L= 113'
S= 0.89%	S= 1.33%
Tc= 12.40 MIN.	Tc= 9.60 MIN.
Q100= 1.79 CFS	Q100= 0.81 CFS

TOTAL HIST. Q100 = 2.70 CFS



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LAND SURVEYING
GEOTECHNICAL SERVICES

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Terry L. Pollock
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terry@stp-solutions.com

THE GATEWAY ON E. ACRES ST.
KEITH McCABE
111-113 ACRES ST.
NORMAN, OK



HISTORIC DRAINAGE MAP

Drawn By: TLP	Scale: 1"=30'
Checked By: DT	Date: 03/01/21
Project No.: E21-100.1	HIST. 1.0

C:\Planned\Drawings\Engineering\Department\US-ENGINEERING\CONTRACTS\210-116-1-KEITH McCABE-111-113 E ACRES-01-DWG-01-McCABE BASE_3-1-21.dwg, 2/27/2021 1:54:26 PM, 1:1

FILE McCABE - ACRES STREET
 PROJECT NO E21-100.1
 BY DT/TLP
 DATE 21/02/24
 SHEET NO 1 OF 1
 SUBJECT 02-HIST. BASIN A

**RUNOFF CALCULATION BY
 OKC RATIONAL METHOD
 CITY OF NORMAN**

Project Location: 111 to 113 ACRES STREET
Drainage Area: 02-HISTORIC CONDITIONS - BASIN A
Structure Number: N/A

Area: 0.32 Acres (0.00 Sq. Mi.) **Avg. Slope:** % (ft/mi.)

WEIGHTED RUNOFF COEFFICIENT:

Land Use:	Area (Ac)	% Total Area	C	Lo	K Factor
Landscaped	0.234	73.13%	0.55	154.0	0.775
Undeveloped	0.000	0.00%	0.30	0.0	0.775
Cultivated	0.000	0.00%	0.50	0.0	0.775
Commercial	0.000	0.00%	0.95	0.0	0.445
Residential	0.000	0.00%	0.70	0.0	0.511
Paved	0.086	26.88%	0.95	60.0	0.372

Weighted C: 0.66

Weighted K Factor: 0.662

TIME OF CONCENTRATION:

Time Overland:

Length of Overland Flow, L: 214.00 ft
 Drop in Ft. 1.90 ft
 Overland Average Slope, S: 0.0089 ft/ft
 Overland K Factor (K): 0.6620
 Overland Time of Concentration, $T_c = K^*(L^{0.37}) / S^{0.20}$

Time In System:

Total Time Overland: 12.40 min. **Total Time In System:** min.
Total TC: 12.40 min.

RAINFALL INTENSITY:

$I = A / (B + T_c)^E$

$I_{50} = 7.64$ $I_{25} = 6.72$
 $I_{10} = 5.80$ $I_5 = 5.09$
 $I_2 = 4.32$

Where: $I_{10c} = 8.49$ Intensity of rainfall (inches / hour)
 A, B, and E = Intensity, Frequency and Duration (I-F-D) Equation
 Parameters; shown below in Table 1-1.
 $T_c =$ Time of Concentration unique to the sub-basin

Table 1-1

Frequency (Year)	Parameters					
	2 year	5 year	10 year	25 year	50 year	100 year
D	56.43	72	82	95	108	120
E	11.5	15	15	15	15	15
F	0.81	0.80	0.80	0.80	0.80	0.80

HISTORIC PEAK DISCHARGE:

	C	I (in/hr)	A (Ac)	
$Q_{100} =$	0.66	8.49	0.32	1.79 cfs
$Q_{50} =$	0.66	7.64	0.32	1.61 cfs
$Q_{25} =$	0.66	6.72	0.32	1.41 cfs
$Q_{10} =$	0.66	5.80	0.32	1.22 cfs
$Q_5 =$	0.66	5.09	0.32	1.07 cfs
$Q_2 =$	0.66	4.32	0.32	0.91 cfs

FILE McCABE - ACRES STREET
 PROJECT NO E21-100.1
 BY DT/TLP
 DATE 21/02/24
 SHEET NO 1 OF 1
 SUBJECT 02-HIST. BASIN B

**RUNOFF CALCULATION BY
 OKC RATIONAL METHOD
 CITY OF NORMAN**

Project Location: 111 to 113 ACRES STREET
Drainage Area: 02-HISTORIC CONDITIONS - BASIN B
Structure Number: N/A
 Area: 0.13 Acres (0.00 Sq. Mi.) Avg. Slope: % (ft/mi.)

WEIGHTED RUNOFF COEFFICIENT:

Land Use:	Area (Ac)	% Total Area	C	Lo	K Factor
Landscaped	0.09	69.23%	0.55	93.0	0.775
Undeveloped	0.00	0.00%	0.30	0.0	0.775
Cultivated	0.00	0.00%	0.50	0.0	0.775
Commercial	0.00	0.00%	0.95	0.0	0.445
Residential	0.00	0.00%	0.70	0.0	0.511
Paved	0.04	30.77%	0.95	20.0	0.372

Weighted C: 0.67

Weighted K Factor: 0.704

TIME OF CONCENTRATION:

Time Overland:

Length of Overland Flow, L: 113.00 ft
 6 1.50 ft
 Overland Average Slope, S: 0.0133 ft/ft
 Overland K Factor (K): 0.7037
 Overland Time of Concentration, $T_c = K(L^{0.3}) / S^{0.20}$

Time in System:

Total Time Overland: 9.60 min. Total Time in System: min.
 Total TC: 9.60 min.

RAINFALL INTENSITY:

$I = A / (B + T_c)^E$

$I_{50} = 8.33$ $I_{25} = 7.33$
 $I_{10} = 6.32$ $I_5 = 5.55$
 $I_2 = 4.77$

Where: $I_{10c} = 9.26$ Intensity of rainfall (inches / hour)
 A, B, and E = Intensity, Frequency and Duration (I-F-D) Equation
 Parameters; shown below in Table 1-1.
 $T_c =$ Time of Concentration unique to the sub-basin

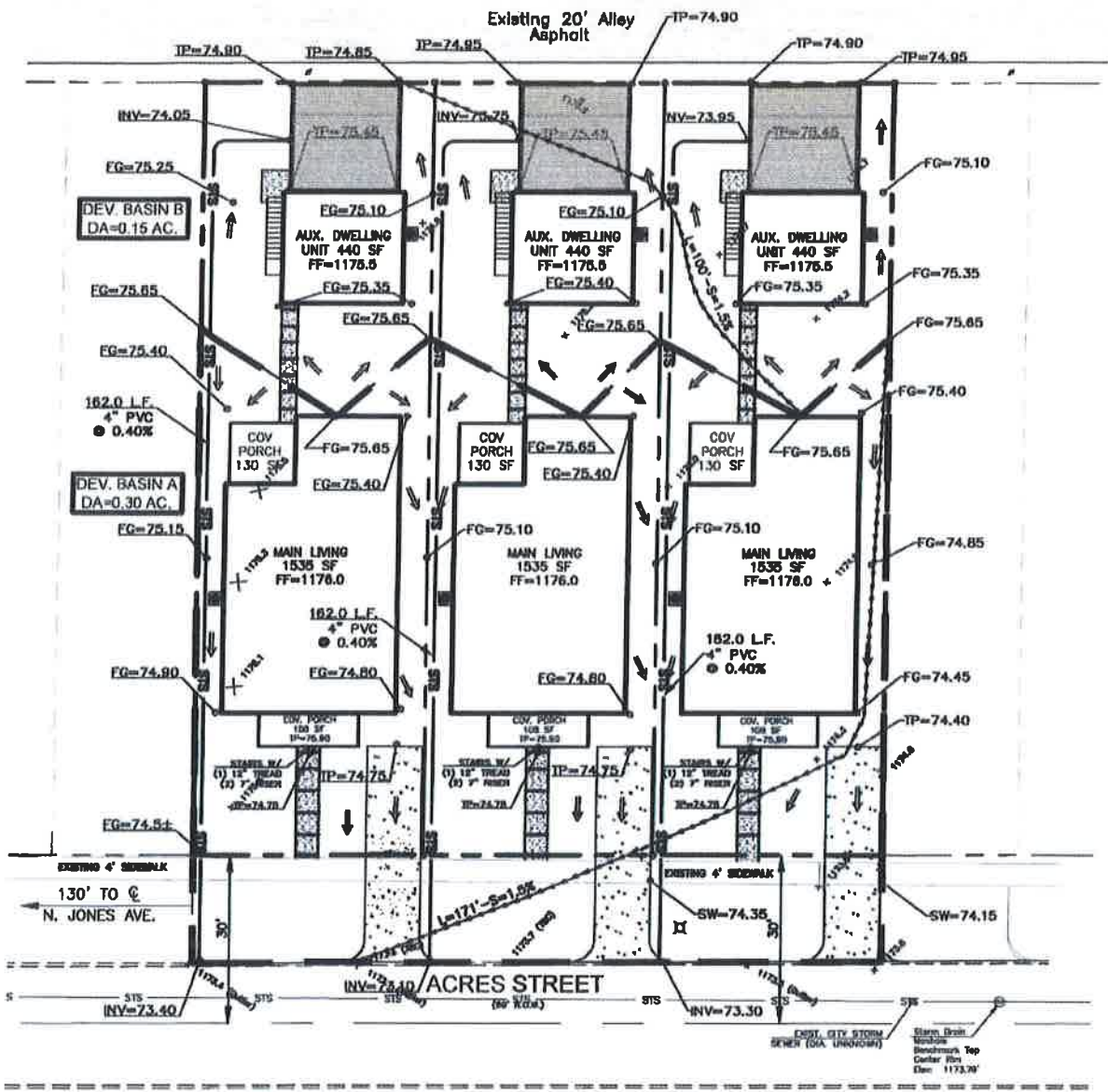
Table 1-1

Frequency (Year)	Parameters					
	2 year	5 year	10 year	25 year	50 year	100 year
D	56.43	72	82	95	108	120
E	11.5	15	15	15	15	15
F	0.81	0.80	0.80	0.80	0.80	0.80

HISTORIC PEAK DISCHARGE:

	C	I (in/hr)	A (Ac)	
$Q_{100} =$	0.67	9.26	0.13	0.81 cfs
$Q_{50} =$	0.67	8.33	0.13	0.73 cfs
$Q_{25} =$	0.67	7.33	0.13	0.64 cfs
$Q_{10} =$	0.67	6.32	0.13	0.55 cfs
$Q_5 =$	0.67	5.55	0.13	0.49 cfs
$Q_2 =$	0.67	4.77	0.13	0.42 cfs

HIST R



DEVELOPED RUNOFF CALCULATIONS

BASIN A	BASIN B
DA= .30 AC.	DA= .15 AC.
L= 171'	L= 100'
S= 1.5%	S= 0.80%
Tc= 10.29 MIN.	Tc= 9.73 MIN.
Q100= 2.01 CFS	Q100= 1.06 CFS

TOTAL DEV. Q100 = 3.07 CFS



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 ● LAND SURVEYING
 ● GEOTECHNICAL SERVICES

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 MUSKOGEE, OK 74403
 MAIN OFFICE: 918.438.7886
 OK CA 8882

OKLAHOMA WEST OFFICE
 Terry L. Pollock
 CELL: 405.210.3169
 terry@stp-solutions.com

THE GATEWAY ON E. ACRES ST.
 KEITH McCABE
 111-113 ACRES ST.
 NORMAN, OK



DEVELOPED DRAINAGE MAP	
Drawn By: TLP	Scale: 1"=30'
Checked By: DT	Date: 03/01/21
Project No.: E21-100.1	DEV. 1.0

**RUNOFF CALCULATION BY
OKC RATIONAL METHOD
CITY OF NORMAN**

FILE McCABE - ACRES STREET
PROJECT NO E21-100.1
BY DT/TLP
DATE 21/02/24
SHEET NO 1 OF 1
SUBJECT 02-DEV. BASIN A

Project Location: 111 to 113 ACRES STREET
Drainage Area: 02-DEV. CONDITIONS - BASIN A
Structure Number: N/A

Area: 0.30 Acres (0.00 Sq. Mi.) Avg. Slope: % (ft/mi.)

WEIGHTED RUNOFF COEFFICIENT:

Land Use:	Area (Ac)	% Total Area	C	Lo	K Factor
Landscaped	0.140	46.67%	0.50	123.0	0.775
Undeveloped	0.000	0.00%	0.30	0.0	0.775
Cultivated	0.000	0.00%	0.50	0.0	0.775
Commercial	0.000	0.00%	0.95	0.0	0.445
Residential	0.000	0.00%	0.70	0.0	0.511
Paved	0.160	53.33%	0.95	48.0	0.372

Weighted C: 0.74

Weighted K Factor: 0.662

TIME OF CONCENTRATION:

Time Overland:

Time in System:

Length of Overland Flow, L: 171.00 ft
Drop in Ft. 2.55 ft
Overland Average Slope, S: 0.0149 ft/ft
Overland K Factor (K): 0.6619
Overland Time of Concentration, $T_c = K(L^{0.37}) / S^{0.20}$

Total Time Overland: 10.29 min. Total Time in System: min.
Total TC: 10.29 min.

RAINFALL INTENSITY:

$I = A / (B + T_c)^E$

$I_{50} = 8.15$ $I_{25} = 7.17$
 $I_{10} = 6.19$ $I_5 = 5.43$
 $I_2 = 4.65$

Where: $I_{10c} = 9.05$ Intensity of rainfall (inches / hour)
A, B, and E = Intensity, Frequency and Duration (I-F-D) Equation
Parameters; shown below in Table 1-1.
 $T_c =$ Time of Concentration unique to the sub-basin

Table 1-1

Frequency (Year)	Parameters					
	2 year	5 year	10 year	25 year	50 year	100 year
D	56.43	72	82	95	108	120
E	11.5	15	15	15	15	15
F	0.81	0.80	0.80	0.80	0.80	0.80

HISTORIC PEAK DISCHARGE:

	C	I (in/hr)	A (Ac)	
$Q_{100} =$	0.74	9.05	0.30	2.01 cfs
$Q_{50} =$	0.74	8.15	0.30	1.81 cfs
$Q_{25} =$	0.74	7.17	0.30	1.59 cfs
$Q_{10} =$	0.74	6.19	0.30	1.37 cfs
$Q_5 =$	0.74	5.43	0.30	1.21 cfs
$Q_2 =$	0.74	4.65	0.30	1.03 cfs

**RUNOFF CALCULATION BY
OKC RATIONAL METHOD
CITY OF NORMAN**

FILE McCABE - ACRES STREET
PROJECT NO E21-100.1
BY DT/TLP
DATE 21/02/24
SHEET NO 1 OF 1
SUBJECT 02-DEV BASIN B

Project Location: 111 to 113 ACRES STREET
Drainage Area: 02-DEV. CONDITIONS - BASIN B
Structure Number: N/A
Area: 0.15 Acres (0.00 Sq. Mi.) Avg. Slope: % (ft/mi.)

WEIGHTED RUNOFF COEFFICIENT:

Land Use:	Area (Ac)	% Total Area	C	Lo	K Factor
Landscaped	0.060	40.00%	0.50	75.0	0.775
Undeveloped	0.000	0.00%	0.30	0.0	0.775
Cultivated	0.000	0.00%	0.50	0.0	0.775
Commercial	0.000	0.00%	0.95	0.0	0.445
Residential	0.000	0.00%	0.70	0.0	0.511
Paved	0.090	60.00%	0.95	25.0	0.372

Weighted C: 0.77

Weighted K Factor: 0.674

TIME OF CONCENTRATION:

Time Overland:

Length of Overland Flow, L: 100.00 ft
Drop in Ft. 0.80 ft
Overland Average Slope, S: 0.0080 ft/ft
Overland K Factor (K): 0.6743
Overland Time of Concentration, $T_c = K^*(L^{0.37}) / S^{0.20}$

Time In System:

Total Time Overland: 9.73 min. Total Time in System: min.
Total TC: 9.73 min.

RAINFALL INTENSITY:

$I = A / (B + T_c)^E$

$I_{50} = 8.29$ $I_{25} = 7.30$
 $I_{10} = 6.30$ $I_5 = 5.53$
 $I_2 = 4.75$

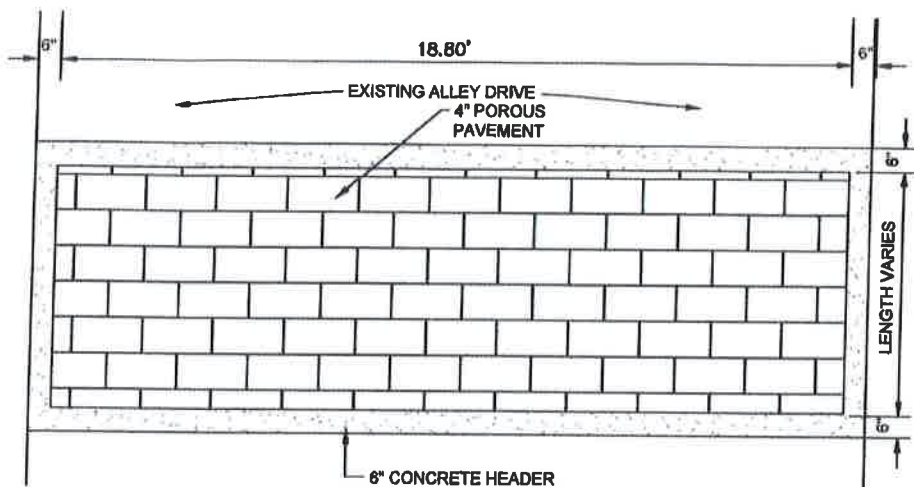
Where: $I_{10c} = 9.22$ Intensity of rainfall (inches / hour)
A, B, and E = Intensity, Frequency and Duration (I-F-D) Equation Parameters; shown below in Table 1-1.
 $T_c =$ Time of Concentration unique to the sub-basin

Table 1-1

Frequency (Year)	Parameters					
	2 year	5 year	10 year	25 year	50 year	100 year
D	56.43	72	82	95	108	120
E	11.5	15	15	15	15	15
F	0.81	0.80	0.80	0.80	0.80	0.80

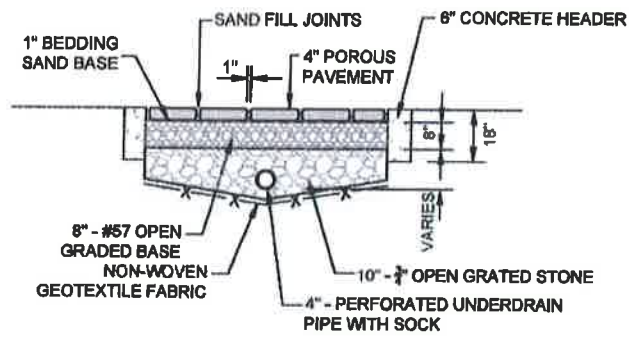
HISTORIC PEAK DISCHARGE:

	C	I (in/hr)	A (Ac)	
$Q_{100} =$	0.77	9.22	0.15	1.06 cfs
$Q_{50} =$	0.77	8.29	0.15	0.96 cfs
$Q_{25} =$	0.77	7.30	0.15	0.84 cfs
$Q_{10} =$	0.77	6.30	0.15	0.73 cfs
$Q_5 =$	0.77	5.53	0.15	0.64 cfs
$Q_2 =$	0.77	4.75	0.15	0.55 cfs



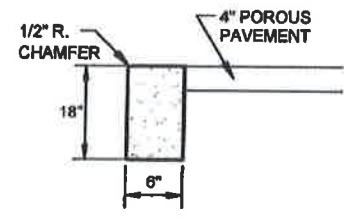
PAVESTONE PARKING AREA

SCALE: NTS



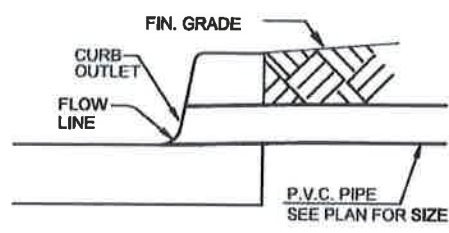
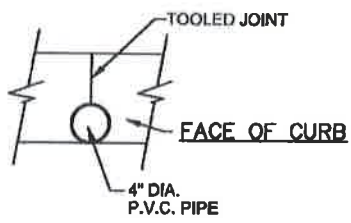
POROUS PAVER SECTION

SCALE: NTS



CONCRETE HEADER

NO SCALE



DRAIN LINE @ CURB OUTLET DETAIL

SCALE: NTS



S.T.P. SOLUTIONS, INC.

● ENGINEERING
 ● LAND SURVEYING
 ● GEOTECHNICAL SERVICES

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 terry@stp-solutions.com

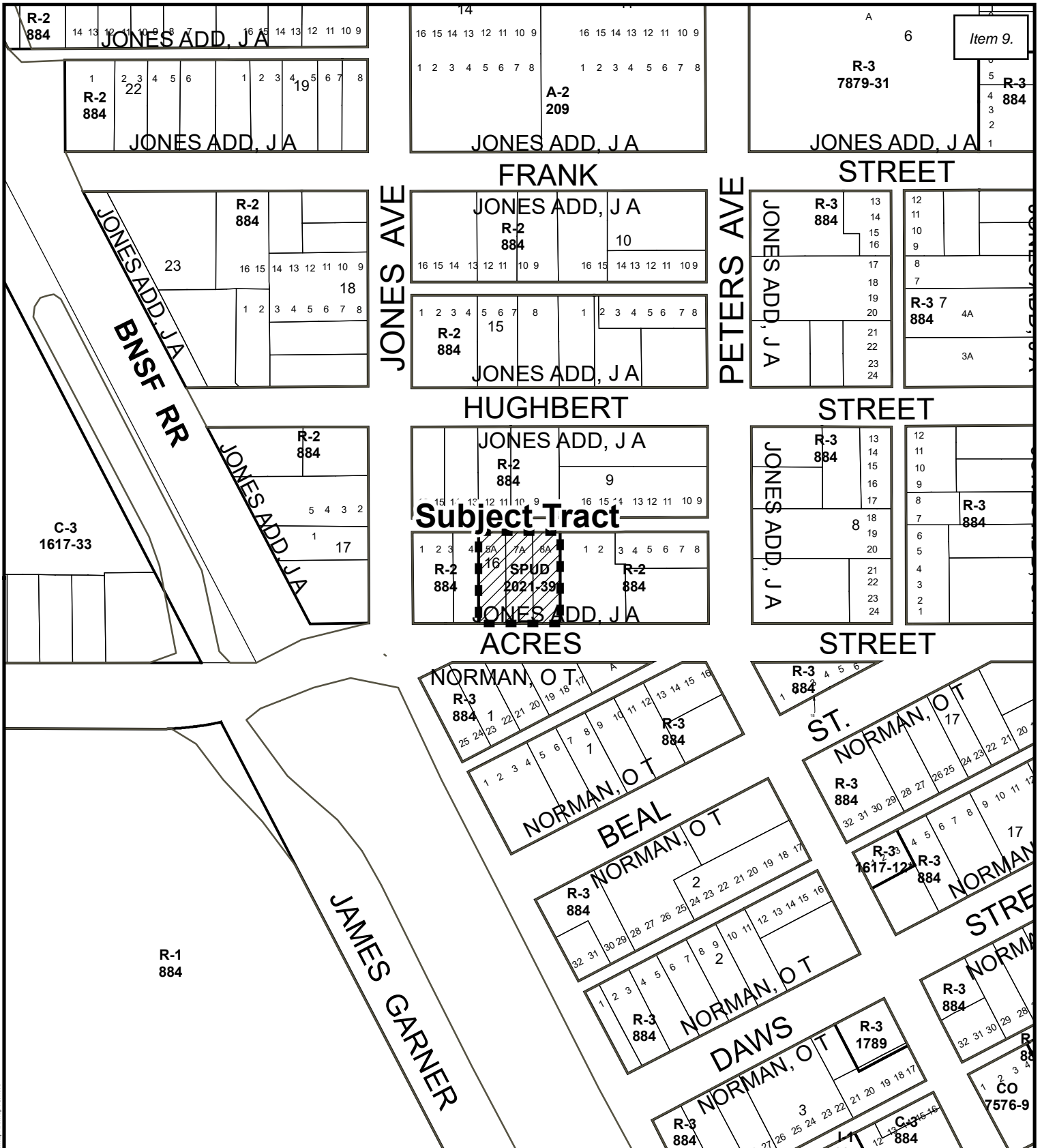
A NATIVE AMERICAN OWNED FIRM

THE GATEWAY ON E. ACRES ST.

KEITH McCABE
 111-113 ACRES ST.
 NORMAN, OK



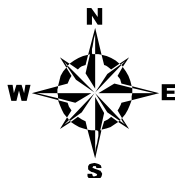
PAVESTONE PARKING AREA	
Drawn By: TLP	Scale: NONE
Checked By: DT	Date: 03/01/21
Project No.: E21-100.1	EXHIBIT B



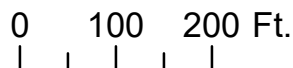
Location Map



Map Produced by the City of Norman Geographic Information System. The City of Norman assumes no responsibility for errors or omissions in the information presented.



September 6, 2023



Subject Tract

ORDINANCE NO. O-2324-19

ITEM NO. 3

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Emmanuel Enguerra
REQUESTED ACTION	Amendment of the SPUD, Simple Planned Unit Development (O-2021-39)
EXISTING ZONING	SPUD, Simple Planned Unit Development
SURROUNDING ZONING	North: R-2, Two-Family Dwelling District East: R-2, Two-Family Dwelling District South: R-3, Multi-Family Dwelling District West: R-2, Two-Family Dwelling District All: CNZOD, Central Norman Zoning Overlay District
LOCATION	119 and 117 E. Acres Street
WARD	4
CORE AREA	Yes
AREA/SF	0.34 acres more or less
PURPOSE	Amend SPUD O-2021-39 to add short-term rental as an allowable use – 119 & 117 E. Acres
EXISTING LAND USE	Single-family residential with accessory dwelling units
SURROUNDING LAND USE	North: Single-family residential East: Single-family residential South: Single-family residential and park land West: Single-family residential
LAND USE PLAN DESIGNATION	Low Density Residential Designation

GROWTH AREA DESIGNATION

Current Urban Service Area

PROJECT OVERVIEW: The subject properties are part of a SPUD, Simple Planned Unit Development approved as Ordinance No. O-2021-39. The SPUD is located at 109, 111, 113, 115, 117, and 119 E. Acres Street, formerly 111 and 113 E. Acres Street. The SPUD included accessory dwelling units, therefore the property was given additional addresses. The current owner purchased the subject lot and is now applicant requesting to add Short-Term Rentals to the use list to only 117 and 119 E Acres Street. No other changes are requested for the SPUD.

PROCEDURAL REQUIREMENTS:**GREENBELT COMISSION:** N/A**PRE DEVELOPMENT MEETING:** N/A**ZONING ORDINANCE CITATION:**

SEC 36-510 – SIMPLE PLANNED UNIT DEVELOPMENTS

1. General Description. The Simple Planned Unit Development referred to as SPUD, is a special zoning district that provides an alternate approach to the conventional land use controls and to a PUD, Planned Unit Development to maximize the unique physical features of a particular site and produce unique, creative, progressive, or quality land developments.

The SPUD may be used for particular tracts or parcels of land that are to be developed, according to a SPUD Narrative and a Development Plan Map and contains less than five (5) acres.

The SPUD is subject to review procedures by Planning Commission and adoption by City Council.

2. Statement of Purpose. It is the intent of this section to encourage developments with a superior built environment brought about through unified development and to provide for the application of design ingenuity in such developments while protecting existing and future surrounding areas in achieving the goals of comprehensive plan of record. In addition the SPUD provides for the following:

Encourage efficient, innovative use of land in the placement and/or clustering of buildings in a development and protect the health, safety and welfare of the community.

Contribute to the revitalization and/or redevelopment of areas where decline of any type has occurred. Promote infill development that is compatible and harmonious with adjacent uses and would otherwise not be an area that could physically be redeveloped under conventional zoning.

Maintain consistency with the City's Zoning Ordinance, and other applicable plans, policies, standards and regulations on record.

Approval of a zone change to a SPUD adopts the Master Plan prepared by the applicant and reviewed as a part of the application. The SPUD establishes new and specific requirements for the amount and type of land use, residential densities, if appropriate, development

regulations and location of specific elements of the development, such as open space screening.

STAFF ANALYSIS: The particulars of this SPUD include:

USE: The requested uses for the SPUD include:

- (a) Detached one family dwelling
- (b) One Single-Family dwelling and a garage apartment (*ADU).
- (c) Accessory Storage Buildings
- (d) Short-Term Rentals*, for 117 and 119 E Acres Street ONLY**

*ADU - A structure which is subordinate to, and the use of which is incidental to, that of the main structure on the same lot and includes a room or group of rooms forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

*A Short-Term Rental is defined as the rental of an existing or otherwise permitted dwelling structure or any portion thereof, for a period of not more than thirty (30) days, where the owner is engaged in a contract for the rental of that specific dwelling, or any portion thereof.

These are all permitted uses under the current SPUD with the exception of the Short-Term Rental use.

SITE PLAN/ACCESS: No changes are proposed to the existing layout of the lot. The property was developed according to the SPUD site plan adopted with Ordinance No. O-2021-39.

ALTERNATIVES/ISSUES:

IMPACTS: The proposed uses in the SPUD are uses that are currently allowed by right in the R-2 zoning district, including the Short-Term Rental use. The intensity of use will not have a negative impact on the surrounding properties. Short-Term Rentals are allowed in all residential zoning districts. The previous SPUD did not include the use but the current owner would like to add it to their allowable uses. The applicant will be required to obtain a Short-Term Rental license per the requirements in Chapter 20, Article 20-XXVII Short-Term Rentals.

CONCLUSION: Staff forwards this request for a Simple Planned Unit Development and Ordinance O-2324-19 to Planning Commission for your consideration.



CITY OF NORMAN, OK
PLANNING COMMISSION MEETING
 Municipal Building, Council Chambers, 201 West Gray,
 Norman, OK 73069
 Thursday, October 12, 2023 at 6:30 PM

MINUTES

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 14th day of September, 2023.

Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <https://norman-ok.municodemeetings.com> at least twenty-four hours prior to the beginning of the meeting.

Chair Erica Bird called the meeting to order at 6:33 p.m.

ROLL CALL

PRESENT

Cameron Brewer
 Chair Erica Bird
 Douglas McClure
 Jim Griffith
 Maria Kindel
 Michael Jablonski

ABSENT

Steven McDaniel
 Liz McKown
 Kevan Parker

A quorum was present.

STAFF PRESENT

Jane Hudson, Planning Director
 Lora Hoggatt, Planning Services Manager
 Melissa Navarro, Planner II
 Anaïs Starr, Planner II
 Lisa Krieg, CDGB/Grants Manager
 Roné Tromble, Admin. Tech. IV
 Beth Muckala, Assistant City Attorney
 Anthony Purinton, Assistant City Attorney
 David Riesland, Transportation Engineer
 Todd McLellan, Development Engineer
 Jason Murphy, Stormwater Program Manager
 Bryce Holland, Multimedia Specialist

NON-CONSENT ITEMS**SPUD Amendment**

3. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Ordinance No. O-2324-19: Emmanuel Enguerra requests amendment of the SPUD (O-2021-39), Simple Planned Unit Development, for property located at 119 and 117 E. Acres Street.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. SPUD Narrative with Exhibits A-B

PRESENTATION BY STAFF: Melissa Navarro reviewed the staff report, a copy of which is filed with the minutes.

PRESENTATION BY THE APPLICANT: Travis Dennis, Plainview Legal Group, representing the applicant, explained the project. The owner bought the property with the intention of using the main building and the ADU for long-term and short-term rentals. The existing SPUD narrative doesn't include short-term rentals as an allowable use.

AUDIENCE PARTICIPATION: None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Motion made by Brewer, seconded by Kindel, to recommend approval of Ordinance No. O-2324-19 to City Council.

Voting Yea: Brewer, Bird, McClure, Griffith, Kindel, Jablonski

The motion to recommend adoption of Ordinance No. O-2324-19 to City Council passed by a vote of 6-0.

*

File Attachments for Item:

10. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-24 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-552, FENCING, WALLS AND SCREENING, OF CHAPTER 36, ZONING, OF THE CODE OF THE CITY OF NORMAN, TO ALLOW FOR ADMINISTRATIVE REVIEW AND APPROVAL OF REQUESTS FOR VARIATIONS IN FENCE HEIGHT IN THE A-1, GENERAL AGRICULTURAL DISTRICT, A-2, RURAL AGRICULTURAL DISTRICT, AND RE, RESIDENTIAL ESTATE DWELLING DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: City of Norman

PRESENTER: Jane Hudson, Director of Planning & Community Development

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-24 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-552, FENCING, WALLS AND SCREENING, OF CHAPTER 36, ZONING, OF THE CODE OF THE CITY OF NORMAN, TO ALLOW FOR ADMINISTRATIVE REVIEW AND APPROVAL OF REQUESTS FOR VARIATIONS IN FENCE HEIGHT IN THE A-1, GENERAL AGRICULTURAL DISTRICT, A-2, RURAL AGRICULTURAL DISTRICT, AND RE, RESIDENTIAL ESTATE DWELLING DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF.

BACKGROUND:

In April of 2022, staff presented two discussion items to the City Council Oversight Committee: fence height and structure coverage on developing lots.

The Oversight Committee directed staff to bring back additional information and a possible ordinance amendment regarding the review and approval process to allow a fence to be taller than the current four-foot requirement, particularly as it projects forward of the front setback line.

The attached proposed ordinance amendment will allow staff to administratively review applications for fence height in A-1, General Agricultural District and A-2 Rural Agricultural District. This review process mirrors the current administrative process staff currently has for Lot Line Adjustment applications, except that the City Traffic Engineer will also be evaluating the proposed fence height variations to evaluate drive sight issues. The ordinance amendment also allows the Administrative Review Committee to approve an increase in the overall maximum fence height from eight feet (8') to ten feet (10') (within the A-1 and A-2 zoning districts) without the need for the applicant to seek a variance from the Board of Adjustment.

DISCUSSION:

When applying for the administrative approval, the applicant is required to complete and submit an application (to be developed and updated by the Planning & Community Development Dept.). Though the Planning Department's application requirement may evolve to ensure necessary information is presented to the Administrative Review Committee, the general requirements are anticipated to be set forth generally as follows:

- a) Site Plan: A Site Plan must be submitted that contains the information listed below. Site plans shall be drawn to a conventional scale, preferably a 1:20 or 1:10.
- b) The name, address, and phone number of the plan preparer shall be included on the plans.
- c) Vicinity Map and Directions: A vicinity map shall be shown on the site plan that clearly shows the subject property and surrounding roads.
- d) Boundaries: The site plan must show all existing property lines, labeled with property line distances, open space, and the boundaries of existing and proposed easements and rights of way.
- e) Access: Proposed off-street parking and loading areas, including access driveways and maneuvering areas, must be indicated and dimensioned. The site plan must show the legal access from the property to a public right-of-way, the width of the right-of-way, and the edge of pavement and width of the street along the property's frontage. All easements and dedicated areas of the property must be identified.
- f) Project Information: A written description must be included that describes the key components of the project, including a full description of the proposed use(s) and improvements for the site, and maximum height of the proposed fence, wall, or other screening type.

The process of internal review for administrative approval shall be as follows:

- (1) The City Engineer evaluates and approves the proposed fence location and height, taking into consideration applicable codes;
- (2) The Traffic Engineer evaluates and approves the proposed fence location and height, taking into consideration applicable codes;
- (3) The Building Official evaluates and approves the application in light of applicable codes and regulations; and
- (4) The Director of Planning and Community Development or their designee evaluates and approves the application in light of applicable Norman zoning and development codes, regulations, guidelines and policies.

CONCLUSION: Staff forwards this possible amendment to the current fencing requirements located in Chapter 36, Zoning Ordinance as Ordinance No. O-2324-24 to City Council for consideration.

At their October 12, 2023 meeting, Planning Commission recommended adoption of Ordinance No. O-2324-24 to City Council by a vote of 6-0.

Ordinance No. O-2324-24

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-552, FENCING, WALLS AND SCREENING, OF CHAPTER 36, ZONING, OF THE CODE OF THE CITY OF NORMAN, TO ALLOW FOR ADMINISTRATIVE REVIEW AND APPROVAL OF REQUESTS FOR VARIATIONS IN FENCE HEIGHT IN THE A-1, GENERAL AGRICULTURAL DISTRICT, A-2, RURAL AGRICULTURAL DISTRICT, AND RE, RESIDENTIAL ESTATE DWELLING DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Section 36-552 of Chapter 36 of the Code of the City of Norman shall be amended to read as follows:

36-552 Fencing, Walls, And Screening

- (a) In a residentially zoned district, fencing or screening may not project forward of a required front setback line, unless such fencing is less than four (4) feet in height.
- (b) In any district zoned A-1, A-2 or RE, upon submittal of an application and necessary information, as required by the Planning & Community Development Department, an applicant may seek the approval of the Administrative Review Committee for alternative fence heights. The Administrative Review Committee shall be composed of the City Engineer, the Traffic Engineer, the Building Official and the Director of Planning and Community Development, or their designee. The Administrative Review Committee may approve such requests where all of the following occur:
 - (1) The City Engineer evaluates and approves the proposed fence location and height, taking into consideration applicable codes;
 - (2) The Traffic Engineer evaluates and approves the proposed fence location and height, taking into consideration applicable codes;
 - (3) The Building Official evaluates and approves the application in light of applicable codes and regulations; and
 - (4) The Director of Planning and Community Development or their designee evaluates and approves the application in light of applicable Norman zoning and development codes, regulations, guidelines and policies.

Notwithstanding the above, approval for fence height in excess of ten (10) feet must be sought from the Board of Adjustment pursuant to 36-570.

(c) Fencing along the side or rear property lines:

- (1) May be erected within any utility easement but is subject to removal by any franchised utility company whenever installation or repair of their facilities is required.
- (2) Excepting an allowance obtained pursuant to subpart (b) herein, may not exceed eight (8) feet in height, unless the written consent of the abutting property owner is secured, or the Board of Adjustment approves the height, location, and materials as a special exception.
- (3) May not be constructed of corrugated fiberglass, corrugated metal, or unpainted sheet metal, nor contain any barbed wire.
- (4) Walls of brick or masonry material, which require a permanent foundation, may not be constructed within any designated utility easement without the written consent of all affected utility franchise holders.
- (5) For parking areas containing six or more parking spaces and/or other vehicular use areas of at least 900 square feet of impervious area to be used as parking, the owners shall screen from any abutting lot zoned or used for single-family purposes by a solid opaque fence at least six (6) feet in height.

(d) The side and rear property boundaries of all lots used for commercial, industrial, and multi-family uses shall be screened from any abutting lot zoned or used for single-family or two-family purposes by a solid opaque fence at least six (6) feet in height.

- (1) Such fence shall be constructed of any material except for corrugated fiberglass, corrugated metal, or unpainted sheet metal, nor contain any barbed wire.
- (2) No screening may exceed eight (8) feet in height, unless approved by the City Council as part of a specific site plan or granted as a special exception by the Board of Adjustment.
- (3) Any fence requiring a permanent foundation may not be constructed within a utility easement unless written approval has been granted by all affected utility franchise holders.
- (4) Whenever the proposed use abuts a public alley that is shared with one- or two-family dwellings, opaque screening shall be installed on the commercial, industrial, or multifamily property, and shall be solid and continuous except for requiring openings or access drives.

- (5) Such screening must be continuously maintained in good condition and repaired or replaced within a reasonable time period.

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

ADOPTED this _____ day
of _____, 2023.

NOT ADOPTED this _____ day
of _____, 2023.

(Mayor)

(Mayor)

ATTEST:

(City Clerk)

Ordinance No. O-2324-24

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-552, FENCING, WALLS AND SCREENING, OF CHAPTER 36, ZONING, OF THE CODE OF THE CITY OF NORMAN, TO ALLOW FOR ADMINISTRATIVE REVIEW AND APPROVAL OF REQUESTS FOR VARIATIONS IN FENCE HEIGHT IN THE A-1, GENERAL AGRICULTURAL DISTRICT, A-2, RURAL AGRICULTURAL DISTRICT, AND RE, RESIDENTIAL ESTATE DWELLING DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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- (a) ~~In a residentially zoned district~~ ~~district zoned or used for one or two family dwellings,~~ fencing or screening may not project ~~into any~~ forward of a required front setback line, unless such fencing is less than four (4) feet in height.
- (b) In any district zoned A-1, A-2 or RE, upon submittal of an application and necessary information, as required by the Planning & Community Development Department, an applicant may seek the approval of the Administrative Review Committee for alternative fence heights. The Administrative Review Committee shall be composed of the City Engineer, the Traffic Engineer, the Building Official and the Director of Planning and Community Development, or their designee. The Administrative Review Committee may approve such requests where all of the following occur:
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(c) Fencing along the side or rear property lines:

- (1) May be erected within any utility easement but is subject to removal by any franchised utility company whenever installation or repair of their facilities is required.
- (2) ~~Excepting an allowance obtained pursuant to subpart (b) herein, m~~May not exceed eight (8) feet in height, unless the written consent of the abutting property owner is secured, or the Board of Adjustment approves the height, location, and materials as a special exception.
- (3) May not be constructed of corrugated fiberglass, corrugated metal, or unpainted sheet metal, nor contain any barbed wire.
- (4) Walls of brick or masonry material, which require a permanent foundation, may not be constructed within any designated utility easement without the written consent of all affected utility franchise holders.
- (5) For parking areas containing six or more parking spaces and/or other vehicular use areas of at least 900 square feet of impervious area to be used as parking, the owners shall screen from any abutting lot zoned or used for single-family purposes by a solid opaque fence at least six (6) feet in height.

~~(bd)~~ The side and rear property boundaries of all lots used for commercial, industrial, and multi-family uses shall be screened from any abutting lot zoned or used for single-family or two-family purposes by a solid opaque fence at least six (6) feet in height.

- (1) Such fence shall be constructed of any material except for corrugated fiberglass, corrugated metal, or unpainted sheet metal, nor contain any barbed wire.
- (2) No screening may exceed eight (8) feet in height, unless approved by the City Council as part of a specific site plan or granted as a special exception by the Board of Adjustment.
- (3) Any fence requiring a permanent foundation may not be constructed within a utility easement unless written approval has been granted by all affected utility franchise holders.
- (4) Whenever the proposed use abuts a public alley that is shared with one- or two-family dwellings, opaque screening shall be installed on the commercial, industrial, or multifamily property, and shall be solid and continuous except for requiring openings or access drives.

- (5) Such screening must be continuously maintained in good condition and repaired or replaced within a reasonable time period.

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

ADOPTED this _____ day
of _____, 2023.

NOT ADOPTED this _____ day
of _____, 2023.

(Mayor)

(Mayor)

ATTEST:

(City Clerk)

ORDINANCE NO. O-2324-24

ITEM NO. 24

STAFF REPORT

ITEM: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING SEC. 36-552, FENCING, WALLS AND SCREENING, OF CHAPTER 36, ZONING, OF THE CODE OF THE CITY OF NORMAN, TO ALLOW FOR ADMINISTRATIVE REVIEW AND APPROVAL OF REQUESTS FOR VARIATIONS IN FENCE HEIGHT IN THE A-1, GENERAL AGRICULTURAL DISTRICT, A-2, RURAL AGRICULTURAL DISTRICT, AND RE, RESIDENTIAL ESTATE DWELLING DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF.

BACKGROUND:

In April of 2022, staff presented two discussion items to Oversight: fence height and structure coverage on developing lots.

Oversight directed staff to bring back additional information and a possible ordinance amendment regarding the review and approval process to allow a fence to be taller than the current four-foot requirement forward of the front setback line.

The attached proposed ordinance amendment will allow staff to administratively review applications for fence height forward of the front setback line. This review process mirrors the current administrative process staff currently has for Lot Line Adjustment applications. The ordinance amendment also allows the Administrative Review Committee approve and increase in the maximum fence height from eight feet (8') to ten feet (10') without seeking a variance from the Board of Adjustment.

DISCUSSION:

When applying for the administrative approval the applicant is required to complete and submit an application (to be established by the Planning & Community Development Dept.) Though the Planning Department's application requirement may evolve to ensure necessary information is presented to the Administrative Review Committee, the general requirements are anticipated to be set forth generally as follows:

- a) Site Plan: A Site Plan must be submitted that contains the information listed below. Site plans shall be drawn to a conventional scale, preferably a 1:20 or 1:10.
- b) The name, address, and phone number of the plan preparer shall be included on the plans.
- c) Vicinity Map and Directions: A vicinity map shall be shown on the site plan that clearly shows the subject property and surrounding roads.

- d) Boundaries: The site plan must show all existing property lines, labeled with proper distances, open space, and the boundaries of existing and proposed easements and rights of way.
- e) Access: Proposed off-street parking and loading areas, including access driveways and maneuvering areas, must be indicated and dimensioned. The site plan must show the legal access from the property to a public right-of-way, the width of the right-of-way, and the edge of pavement and width of the street along the property's frontage. All easements and dedicated areas of the property must be identified.
- f) Project Information: A written description must be included that describes the key components of the project, including a full description of the proposed use(s) and improvements for the site, and maximum height of the proposed fence, wall, or other screening type.

The process of internal review for administrative approval shall be as follows:

- (1) The City Engineer evaluates and approves the proposed fence location and height, taking into consideration applicable codes;
- (2) The Traffic Engineer evaluates and approves the proposed fence location and height, taking into consideration applicable codes;
- (3) The Building Official evaluates and approves the application in light of applicable codes and regulations; and
- (4) The Director of Planning and Community Development or their designee evaluates and approves the application in light of applicable Norman zoning and development codes, regulations, guidelines and policies.

CONCLUSION: Staff forwards this possible amendment to the current fencing requirements located in Chapter 36, Zoning Ordinance as Ordinance No. O-2324-24 to the Planning Commission for consideration and recommendation to City Council.



CITY OF NORMAN, OK
PLANNING COMMISSION MEETING
 Municipal Building, Council Chambers, 201 West Gray,
 Norman, OK 73069
 Thursday, October 12, 2023 at 6:30 PM

MINUTES

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 14th day of September, 2023.

Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <https://norman-ok.municodemeetings.com> at least twenty-four hours prior to the beginning of the meeting.

Chair Erica Bird called the meeting to order at 6:33 p.m.

ROLL CALL

PRESENT

Cameron Brewer
 Chair Erica Bird
 Douglas McClure
 Jim Griffith
 Maria Kindel
 Michael Jablonski

ABSENT

Steven McDaniel
 Liz McKown
 Kevan Parker

A quorum was present.

STAFF PRESENT

Jane Hudson, Planning Director
 Lora Hoggatt, Planning Services Manager
 Melissa Navarro, Planner II
 Anaïs Starr, Planner II
 Lisa Krieg, CDGB/Grants Manager
 Roné Tromble, Admin. Tech. IV
 Beth Muckala, Assistant City Attorney
 Anthony Purinton, Assistant City Attorney
 David Riesland, Transportation Engineer
 Todd McLellan, Development Engineer
 Jason Murphy, Stormwater Program Manager
 Bryce Holland, Multimedia Specialist

24. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Ordinance No. O-2324-24: AN ORDINANCE OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SEC. 36-552, FENCING, WALLS AND SCREENING, OF CHAPTER 36, ZONING, OF THE CODE OF THE CITY OF NORMAN, TO ALLOW FOR ADMINISTRATIVE REVIEW AND APPROVAL OF REQUESTS FOR VARIATIONS IN FENCE HEIGHT IN THE A-1, GENERAL AGRICULTURAL DISTRICT, A-2, RURAL AGRICULTURAL DISTRICT, AND RE, RESIDENTIAL ESTATE DWELLING DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Proposed Ordinance

PRESENTATION BY STAFF: Jane Hudson reviewed the staff report, a copy of which is filed with the minutes.

AUDIENCE PARTICIPATION: None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Ms. Bird and Ms. Kindel spoke in support of the proposed ordinance.

Motion made by Kindel, seconded by Griffith, to recommend adoption of Ordinance No. O-2324-24 to City Council.

Voting Yea: Brewer, Bird, McClure, Griffith, Kindel, Jablonski

The motion to recommend adoption of Ordinance No. O-2324-24 to City Council passed by a vote of 6-0.

*

File Attachments for Item:

11. CONSIDERATION OF ACKNOWLEDGEMENT, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE CITY MANAGER'S CONTRACT AND CHANGE ORDER REPORT.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: Brenda Hall, City Clerk

PRESENTER: Brenda Hall, City Clerk

ITEM TITLE: CONSIDERATION OF ACKNOWLEDGEMENT, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE CITY MANAGER'S CONTRACT AND CHANGE ORDER REPORT.



Date: October 30, 2023

To: Darrell Pyle, City Manager

Through: Chris Mattingly, P.E., Director of Utilities *CM*

From: Nathan Madenwald, P.E., Utilities Engineer *NM*

Subject: Contract K-2223-141 – Change Order No. 1
Project WW0091 – Lift Station D Force Main Replacement Phase II

On May 23, 2023, the Norman Utilities Authority approved Contract K-2223-141 with Southwest Waterworks, LLC for the construction of Project WW0091 – Lift Station D Force Main Replacement Phase II in the amount of \$935,000.00.

Change Order No. 1 is proposed in amount of \$22,500.00. This modification will include the semi-emergency repair of a partially failed sewer line located at 2010 Vanessa Drive that required immediate attention and was approximately 16 feet deep. City crews were not able to repair the line due to the depth. Funding for this change order will be from Lift Station D Force Main Replacement Construction account (32190048-46101 / WW0091) which has an available balance of \$65,000.00.

For Change Order No. 1, pursuant to Resolution No. R-1112-55 since the change order is less than \$40,000, the City Manager may approve this item and approval by the City Council is not required. Approval of Change Order No. 1 is recommended.

cc: Nathan Madenwald, P.E., Utilities Engineer
Jared Mattern, Sewer Utilities Supervisor
Brenda Hall, City Clerk
File

ACCEPTED BY: *[Signature]* DATE: 10-31-23
Darrel Pyle, City Manger

REJECTED BY: _____ DATE: _____
Darrel Pyle, City Manger

office memorandum

NORMAN UTILITIES AUTHORITY
CITY OF NORMAN
CLEVELAND COUNTY, OKLAHOMA

DATE: October 27, 2023
CHANGE ORDER NO.: One (1)
CONTRACT NO.: K-2223-141
PROJECT: WW0091 Lift Station D Force Main Replacement, Phase II
CONTRACTOR: Southwest Water Works
201 NW 132nd St. OKC, OK 73114

	<u>Contract Time</u>		<u>Contract Amount</u>
ORIGINAL:	<u>120</u>	calendar days	<u>\$935,000.00</u>
PREVIOUS CHANGE ORDERS:	<u>0</u>	calendar days	<u>\$0.00</u>
THIS CHANGE ORDER:	<u>20</u>	calendar days	<u>\$22,500.00</u>
REVISED AMOUNT:	<u>140</u>	calendar days	<u>\$957,500.00</u>
ORIGINAL START DATE:	<u>July 10, 2023</u>		
ORIGINAL COMPLETION DATE:	<u>November 7, 2023</u>		
PREVIOUS COMPLETION DATE:	<u>November 7, 2023</u>		
NEW COMPLETION DATE:	<u>November 27, 2023</u>		

DESCRIPTION:	\$ Increase	\$ Decrease
Item CO1-1: Sanitary sewer point repair at 2010 Vanessa Drive and increase of the contract time by 20 calendar days	22,500.00	0.00

SUBMITTED BY
CONTRACTOR:


Southwest Water Works

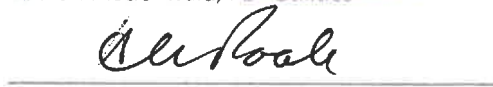
Date: 10/30/23

RECOMMENDED BY
ENGINEER:


Nathan Madenwald, PE - Utilities

Date: 10/30/23

ACCEPTED BY
NORMAN UTILITIES AUTHORITY:


City Attorney

Date: 10/31/23

ACCEPTED BY
NORMAN UTILITIES AUTHORITY:


Darrel Pyle, City Manager


Date: 10-31-23


Bid Item	Description	Units	Original Contract		Unit Price	Proposed Quantity Increase/ Decrease	Cost Increase / Decrease	Percent Change
			Amount	Amount				
<i>No changes to existing pay items.</i>								
SUBTOTAL				\$ 935,000.00			\$ 0.00	0%
CHANGE ORDER PAY ITEMS								
CO1-1	Point repair at 2010 Vanessa Drive	LS	0	\$ 22,500.00		↑	\$ 22,500.00	N/A
SUBTOTAL				\$ 0.00			\$ 22,500.00	
	Original Contract Amount			\$ 935,000.00				
	<i>Change Order No. 1</i>			\$ 22,500.00		2.41%		
	Proposed Contract Amount			\$ 957,500.00				



DATE: October 26, 2023

TO: Darrel Pyle, City Manager

FROM: Scott Sturtz, City Engineer 

THROUGH: Shawn O'Leary, Director of Public Works 

SUBJECT: Amendment No. 1 under Contract No. K-1920-62 with EST Inc. for the Design of East Lindsey Street in the amount of \$49,456.00.

BACKGROUND:

In the City's 2018 ADA Transition Plan Update eight miles of sidewalks were inspected along major arterial roadways. The section on East Lindsey Street from 12th Avenue SE to 24th Avenue SE is the last 2 miles remaining to complete all of the identified sidewalk deficiencies in the ADA Transition Plan Update. The opportunity arose to include this sidewalk in the applications to the Association of Central Oklahoma Governments (ACOG) Clean Air Grant Program. This project was selected for a federal grant in FFY 2023. The project was awarded \$581,767 in federal funds with a local match of \$145,442 for a total project construction cost of \$727,209.

On September 11, 2023, the City's ADA Citizens Advisory Committee voted to support this project. The project includes sidewalk repairs on both sides of East Lindsey Street.

DISCUSSION:

This project will require the engineering plans to be completed to Oklahoma Department of Transportation (ODOT) standards. An engineering consultant will need to complete and submit the plans to ODOT on the City's behalf. Staff is proposing to use the City's Engineering on-call contract option for the project. Attached to this memo is a proposal provided by EST, Inc. to design and produce plans for submittal to ODOT for the project for a total cost of \$49,456. Funding for this amendment is currently available in the City's ADA Compliance and Repair Fund.

ODOT has requested 30% engineering plans in November for this project. The design of this sidewalk needs to begin as soon as possible to meet this ODOT deadline.

RECOMMENDATION:

Staff recommends approval of Amendment No. 1 under Contract K-1920-62 with EST, Inc. in the amount of \$49,456.00 for the design of Lindsey Street Sidewalks Project from 12th Avenue SE to 24th Avenue SE to be funded through the ADA Compliance and Repair Program, No. TC0038 (Org 50592206; Object 46101) and fall under the terms of the attached proposal.

Office memorandum

cc: Steve Guizzo, Engineering Assistant
Maylon Wesley, City ADA Coordinator
Clint Mercer, Chief Account

ACCEPTED BY: 
Darrel Pyle, City Manger

DATE: 10-30-23

REJECTED BY: _____
Darrel Pyle, City Manger

DATE: _____

September 29, 2023

City of Norman
Engineering Division
225 N. Webster Ave
Norman, OK 73069

Attn: Mr. Steve Guizzo

Re: Scope of Services: Lindsey Street Sidewalk Reconstruction from 12th Ave SE to 24th Ave SE

Dear Mr. Guizzo,

EST is pleased to present this scope and fee proposal for the Lindsey Street Sidewalk Reconstruction from 12th Ave SE to 24th Ave SE project. This document outlines the comprehensive scope of work we are prepared to undertake, and the corresponding fees associated with our services. Our team is committed to delivering exceptional results, and we look forward to the opportunity to collaborate with you on this project.

Scope of Project

Continuous ADA compliant (PROWAG) sidewalks will be provided along Lindsey Street from 12th Ave SE to 24th Ave SE. This will be completed by reconstructing the existing facility on the north and south sides of the road. Wheelchair ramps and pedestrian poles will be provided at all signalized intersections as directed by the City. Only the installation of the foundation of the pedestrian poles and the materials for the poles will be included in the plans. City of Norman will handle the installation of the pedestrian pole, conduit and wiring. Updated signing and striping will be completed with City of Norman personnel and will not be part of the plans. Traffic control will be provided to close the right lane where new or rehabilitated wheelchair ramps are needed. No signal or lighting plans will be provided as part of the plans.



September 29, 2023

Page 2

Scope of Design Phase

No topographic survey will be completed as part of the plans. Plan view sheets will be provided using aerial imaging. A kickoff meeting will be held prior to beginning plan production. Information gathered at the kickoff meeting will be used to create preliminary/right of way construction plans and cost estimates for review by the City of Norman and ODOT. No new right of way is anticipated thus right of way services are not included in the contract. If utility relocation is necessary, plans will be provided to each utility company affected to coordinate the relocation. The utility relocation services will be completed by the City and only assistance during meetings with design-related issues will be provided as part of the contract. No geotechnical services are anticipated. Upon completion of the review preliminary/right of way construction plans, final review plans will be completed and provided for a final review by the City of Norman and ODOT. After all information from reviews are incorporated into the plans, PS&E services will be provided. This will include final signed and sealed construction plans, ODOT specification lists, and a detailed cost estimate using current ODOT software. No construction inspection or as-built services will be provided as part of the contract.

Compensation Milestones

Preliminary/Right of Way Construction Plans	\$17,526.00	Lump Sum
Final Review Construction Plans	\$29,730.00	Lump Sum
PS&E	\$2,200.00	Lump Sum
Total Contract Cost	\$49,456.0	Lump Sum

Sincerely,

Chris Serrano, PMP, MBA
Director of Municipal Operations



September 29, 2023

Page 3

NOTICE TO PROCEED

Acceptance

This scope is submitted for the exclusive use by the City of Norman, and for the specific project referenced. We appreciate the opportunity to provide these services and are available to answer any questions regarding this scope of work. Should you have any questions, please contact me at (405) 213-5694. Please indicate your acceptance by signing the Notice to Proceed provided below and returning it to chris.serrano@estinc.com

By: 
Signature

10-30-23
Date

DARREL L. Pyle
Print Name

File Attachments for Item:

12. CONSIDERATION OF ACKNOWLEDGEMENT, APPROVAL, REJECTION, AMENDMENT, AND/OR REJECTION OF RECEIPT OF THE CITIZENS PUBLIC SAFETY SALES TAX OVERSIGHT COMMITTEE ANNUAL REPORT FOR FYE 2023.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: Kimberly Coffman, Budget Manager

PRESENTER: Anthony Francisco, Director of Finance

ITEM TITLE: CONSIDERATION OF ACKNOWLEDGEMENT, APPROVAL, REJECTION, AMENDMENT, AND/OR REJECTION OF RECEIPT OF THE CITIZENS PUBLIC SAFETY SALES TAX OVERSIGHT COMMITTEE ANNUAL REPORT FOR FYE 2023.

City of Norman, Oklahoma
Citizen's Public Safety Sales Tax Oversight Committee
Annual Report
July, 2022 – June, 2023

City of Norman, Oklahoma
Citizen's Public Safety Oversight Committee
Annual Report
July 1, 2022 – June 30, 2023

Executive Summary

The Citizen's Public Safety Sales Tax Oversight Committee (CPSOC) offers the following information for the status of the Fiscal Year Ending June 30, 2023 (FYE 23). We are pleased to report that several items were accomplished this year, but we would be remiss if we did not report on the items that are outstanding and must be addressed.

MAJOR ISSUES

- The School Resource Officer (SRO) Program has not been fully implemented due to budget constraints within the City of Norman and the Norman Public School System. The citizens expect their children to be protected as promised in the original program.
- The Norman Police Department (NPD) has struggled with vacancies in commissioned and dispatch positions throughout the fiscal year, but with multiple academies in progress, the NPD hopes to be fully staffed by spring of 2024.
- \$875,000 is still needed to fund a vehicle storage facility for the Emergency Communications Operations Center (ECOC). This facility was part of the original design but was removed due to significant construction price increases in 2022. The proposed facility would allow for the safe and secured storage of critical City resources valued at approximately \$932,000. There is no alternative storage facility for these resources.

PROJECT STATUS

- The new (ECOC) broke ground on January 19, 2023. As of June 30, 2023, the footings, piers, water lines, and French drains have been installed. The foundation is next and the project is slated to be complete by July 2024.
- Fire Apparatus Replacement Program: The 2022 Engine Pumper will be delivered in October, 2023, and the 2023 Engine Pumper should arrive in the summer of 2024. The FYE 2024 proposed budget did not include an apparatus replacement in the PSST Fund due to depleted replacement allocations, but the PSST Oversight Committee sent a letter of recommendation to the City Council in April, 2023 in support of a budget amendment to fund the requested \$2.1 million 100-foot Aerial Ladder Platform. This amendment was proposed and approved by Council when the FYE 2024 budget was adopted on June 13, 2023.

FINANCIAL OVERVIEW

Public Safety Sales tax (PSST) revenue was -3.2% below the budget target for FYE 23. No subsidy from the General Fund or the Capital Fund were budgeted or required in FYE 23 to keep the PSST Fund in the black. Sales tax trends will be monitored each year to determine the need for future subsidies until the PSST critical capital needs have been completed.

LOOKING FORWARD

- Anticipated completion of the ECOC in July 2024
- Complete implementation of SRO Program and hiring of Communications Officers
- Mid-mount aerial ladder platform proposed for the FYE 24 final apparatus replacement

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Appendix F – Public Safety Sales Tax II Original Plan 80

Appendix G – Public Safety Sales Tax II Fire Apparatus Replacement Schedule 82

Introduction

On May 13, 2008, a special election was held in the City of Norman providing for the assessment of a temporary seven year sales tax of one half of one percent (.5%) in addition to the present City and State sales tax for staffing of forty-one (41) additional Police personnel and thirty (30) additional Fire personnel. The additional sales tax was also to be used for vehicles and equipment for such personnel, acquiring, constructing and equipping two new fire stations. The proposition was approved with a vote of 8,301 in favor to 4,307 opposed. The public safety sales tax was implemented October 1, 2008 and expired September 30, 2015.

On April 1, 2014, a special election was held in the City of Norman providing for the extension of the one-half of one percent (.5%) public safety sales tax beginning October 1, 2015. The proposition was approved with a vote of 3,801 in favor to 3,662 opposed. In this report, the tax effective prior to October 1, 2015 is called PSST I, and the tax effective on October 1, 2015 is called PSST II.

Creation and Purpose

The Ordinance calling the election provided for the establishment of a Citizens Public Safety Oversight Committee (CPSOC) to review the expenditures of such monies and submit recommendations to the City Council regarding such expenditures. Further the CPSOC was to review the expenditures of revenues collected to determine if such funds were expended for the purposes specified and monitor the successful implementation of community oriented policing concepts. The Ordinance called for the committee to issue reports on their findings to the City Council and the public on an annual basis or as requested by Council. (See Appendix A for the PSST I Ordinance, Appendix B for the COP Establishment Resolution and Appendix C for the PSST II Ordinance and Resolution).

Membership

The Norman City Council in its meeting of February 10, 2009, appointed the first Citizen’s Public Safety Oversight Committee. Current members of the Committee are: Linda Price, Lea Greenleaf, Ann Gallagher, Kenny Orr, Kyle Hurley, Russell Rice, Gregory Gilkey, and Mark Emerson. The Ward 7 position is currently vacant.

Meeting Schedule

The CPSOC meets on a monthly basis. Below are the dates for the Committee’s meetings from July 2022 to June 2023. (See Appendix D for the Schedules of Regular Meetings and the Corresponding Agendas)

July 14, 2022	Monthly Meeting
August 11, 2022	Monthly Meeting
September 8, 2022	Monthly Meeting - Cancelled
October 13, 2022	Monthly Meeting
November 10, 2022	Monthly Meeting
December 8, 2022	Monthly Meeting
January 12, 2023	Monthly Meeting
February 9, 2023	Monthly Meeting
March 9, 2023	Monthly Meeting

April 13, 2023	Monthly Meeting
May 11, 2023	Monthly Meeting - Cancelled
June 8, 2023	Monthly Meeting

Discussion Items

Topics of discussion involved Public Safety Sales Tax revenues and expenses for each month. Detailed financial information is included under the Financial Report section of this document.

Members of the Police Command staff presented monthly information regarding the Community Oriented Policing efforts.

Members of the Fire Command staff presented monthly updates on Fire Department activity.

Other topics of discussion and advisement to Council included:

- o Fire Department Apparatus Replacement Schedule – (See Appendix H)
- o Emergency Communications Operations Center project
- o Data-Driven Approaches to Crime & Traffic Safety (DDACTS)
- o School Resource Officer Program staffing
- o Phase II and Phase III of replacement of the emergency communications system and consultants
- o Emergency Communications staffing
- o Emergency Vehicle Mechanic staffing

Accomplishments

The Committee continued its work meeting monthly to review revenue and expenditures reports as well as monitoring the community oriented policing philosophy.

Financial Report

On May 13, 2008, the citizens of Norman voted on and approved a temporary 7-year, one-half percent (0.5%) Public Safety Sales Tax (PSST I) in order to increase the number of police officers and firefighters, and to construct and equip two new fire stations. The sales tax began October 1, 2008 and terminated on September 30, 2015. The City received its first sales tax remittance from the Oklahoma Tax Commission on December 18, 2008.

As of June 30, 2023, a total of \$135,896,444 has been collected from the PSST since its inception. An additional \$10,965,133 has been collected from the related Public Safety Use Tax (a sales tax levied on purchases made outside of the city for use within the city). Interest earned from investing the taxes has earned the PSST Fund an additional \$1,200,317. Total expenditures to date from PSST funds are \$174,895,476 (see Appendix E for a revenue and expenditure analysis by month).

As mentioned earlier in this report, on April 1, 2014, a special election was held in the City of Norman providing for the permanent extension of the one half of one percent (.5%) public safety sales tax beginning October 1, 2015. The proposition was approved and is called PSST II.

With the approval of the PSST permanent extension, Ordinance O-1314-33 was also approved. This Ordinance specifically states what the PSST II revenues can and will be used for. The Ordinance directed that funding for the 71 personnel added to the City public safety workforce by the PSST I be made permanent; 19 personnel be added over a period of four years (13 police officers to staff a School Resource Officer program; 4 additional Dispatchers; and 2 Emergency Vehicle Mechanics); and a program to replace or acquire Critical Public Safety Capital Facility Needs be implemented (See Appendix G for the original PSST II project, equipment and personnel plan). The Critical Public Safety Capital Needs were identified, in priority order, as follows:

- Emergency Communication System Replacement - \$15,000,000
- Emergency Operations/Dispatch Center Facility - \$6,500,000
- Fire Apparatus Replacement Program – \$6,800,000
- Reconstruct/Relocate Fire Station #5 - \$3,500,000
- TOTAL - \$31,800,000

In discussions and presentations leading up to the approval of the PSST extension, the plan to finance the Emergency Communications (Radio) System and Emergency Operations Center (EOC) facilities through some sort of debt issuance was discussed and acknowledged due to the need to have those facilities up and running before sufficient PSST revenues would accrue. Under the plan, available PSST fund balance would be used as a partial “down payment” on the Communication System and EOC facilities, and PSST Fund balance would be used to pay for the Fire Apparatus and Fire Station #5 Reconstructions on a pay-as-you-go basis, as funds became available after the Radio System and EOC were financed.

As illustrated on the following page, the City of Norman has followed the approved Staffing Plan in adding personnel to the budgeted workforce as anticipated by PSST I and is working on fulfilling the additional workforce anticipated by the PSST II Ordinance. During FYE 17, it was originally planned to add seven additional School Resource Officers, two Emergency Vehicle Mechanics and two Emergency Communications Officers. Due to financial cuts and an economic downturn, all of the planned positions, except for the two Communication Officers, were delayed. In FYE 18, three of the remaining seven School Resource Officers were added. No positions were fulfilled in FYE 19. Two Emergency Vehicle Mechanic positions were approved for FYE 20. The two remaining Emergency Communications Officer positions are proposed to be added during FYE 2024 and the four remaining School Resource Officer positions will be added when funds are available from both the Norman Public School System and the City.

Public Safety Sales Tax Staffing Plan

	Original Plan				Fulfilled in PSST I	Fulfilled in PSST II	Not Fulfilled	Reason
	Fire-fighters	Commissioned Police Officers	Non-commissioned Police Officers	Plan Total				
FYE 2008	0	0	0	0	0		0	
FYE 2009	0	12	0	12	12		0	
FYE 2010	15	9	0	24	24		0	
FYE 2011	0	9	0	9	9		0	
FYE 2012	15	5	0	20	20		0	
FYE 2013	0	2	0	2	2		0	
FYE 2014	0	2	0	2	2		0	
FYE 2015	0	2	0	2	2		0	
FYE 2016	0	6	0	6		6	0	
FYE 2017	0	7	2 Emerg Vehicle Mechanics 2 Emerg Communications Officers	11		2 Emerg Communications Officers	7 Police Officers 2 Emerg Vehicle Mechanics	Lack of funding/staffing
FYE 2018	0	0	0	0		3 Police Officers planned in FYE 2017	0	
FYE 2019	0	0	2 Emerg Communications Officers	2			4 Police Officers, 2 Emergency Communications Officers	Lack of funding/staffing
FYE 2020	0	0	0	0		2 Emerg Vehicle Mechanics planned in FYE 2017	4 Police Officers, 2 Emergency Communications Officers	Lack of funding/staffing
FYE 2021	0	0	0	0			4 Police Officers, 2 Emergency Communications Officers	Lack of funding
FYE 2022	0	0	0	0			4 Police Officers, 2 Emergency Communications Officers	Lack of funding
FYE 2023	0	0	0	0			4 Police Officers, 2 Emergency Communications Officers	Lack of funding
FYE 2024	0	0	0	0		2 Emerg Communications Officers	4 Police Officers	Lack of funding
Total	30	54	0	90	71	15	4	

Total Public Safety Personnel*

	Firefighters		Commissioned Police Officers	
	Budgeted	Filled 6/30	Budgeted	Filled 6/30
FY 2008	127	120	134	125
FY 2009	127	123	146	127
FY 2010	142	126	155	156
FY 2011	142	135	164	159
FY 2012	157	129	169	165
FY 2013	157	156	169**	154
FY 2014	157	150	171	159
FY 2015	157	156	173	157
FY 2016	157	145	177#	158
FY 2017	157	155	177	163
FY 2018	157	151	178##	160
FY 2019	158	141	180	170
FY 2020	158	148	180	176
FY 2021	158	155	171***	166
FY 2022	158	143	171	160
FY 2023	158	149	180###	158
FY 2024	158		180	

*Only includes positions in the Fraternal Order of Police (FOP) and International Association of Fire Fighters (IAFF), excludes all other public safety support personnel.

**In the FY 2013 Budget, one Major (FOP) position was reclassified to a non-union Deputy Police Chief position, and a Forensic Tech (FOP) position was reclassified to a non-union position, and two PSST positions were added, so no net change in total.

#In the FY 2015 Budget year, a Master Police Officer position was reclassified to a non-union Forensic Tech position. In FYE 2016, a Police Officer position was reclassified to a non-union I.T. Systems Support Tech position for the PD and six officers were added for the School Resource Officer program.

##In the FY 2018 Budget year, three additional School Resource Officers were added, an MPO was reclassified to a non-union Animal Welfare Shelter Manager and a Sergeant was reclassified as a non-union Police Standards Administrator. In FYE 2019, a police major was added.

***In FYE 2021, nine commissioned positions were cut in the Police Department in the General Fund.

###In the FY 2023 Budget year, nine commissioned positions were added in the Police Department in the General Fund.

Plan Status

The original PSST plan is complete. With the hiring of nine (9) additional police officers for the school resource officer program in FYE 16 and 18, two (2) Emergency Communications Officers in FYE 17, the hiring of two (2) Emergency Vehicle Mechanic positions in FYE 20, and the approval of two (2) Emergency Communications Officers in FYE 24, the plan for PSST II is almost complete. The hiring of four more School Resource Officers would fully implement the plan.

With the approval of PSST II, PSST II revenues will be utilized for specific capital improvements identified in the PSST II Ordinance, including an improved communications system, replacement of fire trucks and apparatus, relocation and reconstruction of Fire Station No. 5, and the construction of an emergency operations and dispatch facility.

Findings and Conclusions

The Committee reports that City staff has been responsive to information requests and guidance as such requests have been made.

Committee members would like a more prospective review of public safety issues to be able to make recommendations to Council before any decisions are made. The Committee is a dedicated group that comprises subject matter experts within their fields and has the expertise needed to give Council advice and recommendations on public safety issues. Members are eager to share their knowledge with Council to help with decision making.

Public Safety Sales Tax expenditures have been extensively reviewed by the committee and the committee finds such expenditures have been made in accordance with the Ordinance establishing the parameters for such expenditures. In the Committee's judgment, the Police Department is successfully implementing Community Policing concepts.

Looking Forward to Fiscal Year Ending 2024

In the future, the committee will continue monitoring activities designated in the COP Annual Work Plan (see Appendix F) as well as monitoring expenditures and revenues associated with the Public Safety Sales Tax collections.

The Committee also looks forward to the partnership with the Norman Public Schools for the School Resource Officer (SRO) Program as a part of the PSST extension. However, the Committee continues to be concerned that the original hiring plan of the SROs has not been implemented as planned due to budget constraints.

The members are also looking forward to the construction of the new Emergency Operations Center (EOC).

The committee stands ready to assist the Council in whatever advisory capacity they deem appropriate.

The Citizen's Public Safety Oversight Committee FYE 2022 Annual Report was approved at the CPSOC meeting on October 12, 2023 with the recommendation that it be forwarded to City Council as required by Ordinance 0-0708-32.

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 13TH DAY OF MAY, 2008, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED, QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVING OR REJECTING ORDINANCE NO. O-0708-32 OF THE CITY OF NORMAN, OKLAHOMA, LEVYING AND ASSESSING A SALES TAX OF ONE HALF OF ONE PERCENT (.5%) IN ADDITION TO PRESENT CITY AND STATE SALES TAXES UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TO ANY PERSON TAXABLE UNDER THE SALES TAX LAW OF OKLAHOMA INCLUDING, BUT NOT LIMITED TO, CERTAIN ENUMERATED SALES LISTED THEREIN; PROVIDING FOR THE PURPOSE OF THE ONE HALF OF ONE PERCENT (.5%) SALES TAX TO BE USED FOR STAFFING OF ADDITIONAL POLICE PERSONNEL AND ADDITIONAL FIRE PERSONNEL IN ACCORDANCE WITH THE STAFFING PLAN ADOPTED HEREIN, VEHICLES AND EQUIPMENT FOR SUCH PERSONNEL, ACQUIRING, CONSTRUCTING, AND EQUIPPING TWO FIRE STATIONS IN THE CITY OF NORMAN, OKLAHOMA, AND THEN FOR SUCH OTHER LAWFUL PURPOSES AS SPECIFIED HEREIN; TO BECOME EFFECTIVE ON THE 1ST DAY OF OCTOBER, 2008, AND TERMINATE ON 30TH DAY OF SEPTEMBER, 2015; PROVIDING EXEMPTIONS EXEMPTED FROM THE SALES TAX LAW OF OKLAHOMA INCLUDING, BUT NOT LIMITED TO, CERTAIN ENUMERATED EXEMPTIONS LISTED THEREIN; PROVIDING FOR THE ADMINISTRATION AND COLLECTION OF TAX; REQUIRING THE FILING OF RETURNS; PROVIDING FOR INTEREST AND PENALTIES FOR FAILURE TO PAY TAX WHEN DUE; PROVIDING FOR TAXPAYER TO KEEP RECORDS; REQUIRING VENDORS TO COLLECT TAX FROM PURCHASER AT TIME OF SALE; ESTABLISHING LIENS; AUTHORIZING THE CITY COUNCIL TO MAKE ADMINISTRATIVE AND TECHNICAL CHANGES AND ADDITIONS EXCEPT TAX RATE; MAKING THE TAX CUMULATIVE; PROVIDING SEVERABILITY OF PROVISIONS; REQUIRING APPROVAL OF ORDINANCE BY MAJORITY OF REGISTERED VOTERS VOTING AT AN ELECTION HELD FOR SUCH PURPOSE AS PROVIDED BY LAW; FIXING EFFECTIVE DATE; 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 her 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 13th day of May, 2008, for the purpose of submitting to the registered, qualified voters of said City of Norman, Oklahoma, for their approval or rejection the following proposition:

PROPOSITION

“SHALL ORDINANCE NO. O-0708-32 PROVIDING FOR THE ASSESSMENT OF A SALES TAX OF ONE HALF OF ONE PERCENT (.5%) IN ADDITION TO THE PRESENT CITY AND STATE SALES TAX UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TO ANY PERSON TAXABLE UNDER THE SALES TAX LAW OF OKLAHOMA INCLUDING, BUT NOT LIMITED TO, CERTAIN ENUMERATED SALES LISTED THEREIN; PROVIDING FOR THE PURPOSE OF THE ONE HALF OF ONE PERCENT (.5%) TO BE USED, TO THE EXTENT FEASIBLE FROM THE REVENUES GENERATED HEREBY, FOR STAFFING OF FORTY-ONE (41) ADDITIONAL POLICE PERSONNEL AND THIRTY (30) ADDITIONAL FIRE PERSONNEL IN ACCORDANCE WITH THE STAFFING PLAN ADOPTED HEREIN, VEHICLES AND EQUIPMENT FOR SUCH PERSONNEL, ACQUIRING, CONSTRUCTING, AND EQUIPPING TWO FIRE STATIONS IN THE VICINITY OF 36TH AVENUE NORTHWEST AND TECUMSEH STREET AND IN THE VICINITY OF EAST ALAMEDA AND EAST 36TH AVENUE IN THE CITY OF NORMAN, OKLAHOMA, ALL TO BE OWNED EXCLUSIVELY BY THE CITY OF NORMAN AND THEN FOR SUCH OTHER LAWFUL PURPOSES OF THE CITY BE APPROVED; AND PROVIDING THAT SUCH ADDITIONAL ONE HALF OF ONE PERCENT (.5%) SHALL BEGIN TO BE LEVIED ON OCTOBER 1, 2008, AND CEASE TO BE LEVIED ON SEPTEMBER 30, 2015?”

- § 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.
- § 6. Citation and codification. This Ordinance shall be known and cited as the Norman Sales Tax Ordinance of 2008, and the same shall be codified and incorporated into the Code of Ordinances of the City of Norman, Oklahoma (the "City").
- § 7. Tax imposed. It is hereby imposed a sales tax of one half of one percent (.5%) (in addition to any and all other sales taxes now in force) to be levied upon the gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code.
- § 8. Effective date and termination. This Ordinance shall become and be effective on and after the 1st day of October, 2008, subject to approval of a majority of the registered voters of the City of Norman voting on the same in the manner prescribed by law. This Ordinance and the sales tax referenced herein shall terminate and cease to be levied seven (7) years from the effective date of this Ordinance, or on the 30th day of September, 2015 provided that this tax, at the discretion of the then sitting City Council, may be submitted to the registered voters of the City of Norman for re-approval prior to the expiration of the tax.
- § 9. Purposes of revenues. The proceeds of the one half of one percent (.5%) sales tax levied and assessed by this Ordinance shall be used, to the extent feasible from the revenues generated hereby, as follows:
- First, for staffing of forty-one (41) additional police personnel and thirty (30) additional fire personnel in accordance with the staffing plan adopted herein, vehicles and equipment for such personnel, acquiring, constructing, and equipping two fire stations in the vicinity of 36th Avenue Northwest and Tecumseh Street and in the vicinity of East Alameda and East 36th Avenue in the City of Norman, Oklahoma, all to be owned exclusively by the City of Norman and for the promotion of community relations through a philosophy of community policing which promotes a partnership and interaction between public safety personnel and the citizens of the City of Norman, and then for such other purposes as may be adopted by Council in accordance with criteria specified in section 13 below, provided it is not the intention that revenue generated from this additional tax levy be utilized to create inequities in the City of Norman Compensation system among public safety and nonpublic safety personnel.
- §10. Establishment of Citizens Public Safety Oversight Committee. A Citizens Public Safety Oversight Committee shall be established to review the expenditures of such monies and submit recommendations to Council regarding such expenditures.

- §11. Appointment and number of members. Members of the Citizens Public Safety Oversight Committee shall be appointed by the Mayor of the City of Norman upon approval by a majority of the City Council. The Committee shall consist of one member from each Ward and one member at-large. The Citizens Public Safety Oversight Committee shall not be current City employees, officials, contractors or vendors of the City.
- §12. Purposes of Citizens Public Safety Oversight Committee. The Citizens Public Safety Oversight Committee shall review the expenditure of revenues collected pursuant to this Ordinance to determine if such funds are expended for the purposes specified in the Ordinance, monitoring the successful implementation of community policing concepts, and issuing reports on their findings to the City Council and the public on an annual basis or as requested by Council, and may review and make recommendations on such other issues related to Public Safety as may be assigned to it by Council.
- §13. Staffing Plan. Revenues collected hereunder shall be expended first for the staffing, compensation and equipping of police and fire personnel over the period of the tax in accordance with the Staffing Plan set forth herein, and the excess for such other public needs as may be identified and budgeted by Council after evaluation considering at least one of the following criteria: projects or expenditures that enhance public safety services; projects or expenditures that enhance emergency management capabilities; projects or expenditures that provide direct services to the citizens; projects or expenditures that help ensure long term financial stability of the City; and/or projects or expenditures that provide for continuity of existing City services.

Year of Tax	Additional Police Personnel	Additional Fire Personnel
1	12	0
2	9	15
3	9	0
4	5	15
5	2	0
6	2	0
7	<u>2</u>	<u>0</u>
Total added Personnel	41	30

- §14. Subsisting state permits. All valid and subsisting permits to do business issued by the Oklahoma Tax Commission pursuant to the Oklahoma Sales Tax Code are, for the purpose of this Ordinance, hereby ratified, confirmed and adopted in lieu of any requirement for an additional City permit for the same purpose.
- §15. Payment of tax. The tax herein levied shall be paid at the time and in the manner and in the form prescribed for the payment of state sales tax under the Oklahoma Sales Tax Code.
- §16. In addition to current taxes. The tax levied hereby is in addition to any and all other sales taxes levied or assessed by the City. Provided, however, that those provisions of Article IV of Chapter 8 (Sales Tax) of the Code of Ordinances, of the City of Norman, Oklahoma, not inconsistent herewith, shall apply to the sales tax levied and assessed by this Ordinance. For the purpose of this Ordinance, references in the Code of Ordinances to specific provisions of the Oklahoma Sales Tax Code shall deem to be referenced to said statutory provisions, as amended.

- §17. Amendment. The citizens of the City of Norman, Oklahoma, by their approval of this Ordinance at the election hereinabove provided for, hereby authorize the City by Ordinance duly enacted to make any such administrative and technical changes or additions in the method and manner of administration and enforcing this Ordinance as may be necessary or proper for efficiency and fairness except that the purpose, rate and limitation of time for collection of the tax herein provided shall not be changed without the approval of the qualified electors of the City as provided by law. Prior to approval of such amendatory Ordinance, the Oversight Committee established pursuant to Section 10 herein shall review and make recommendation to the Council regarding the amendment.
- §18. Provisions cumulative. Provisions hereof shall be cumulative and in addition to any and all other taxing provisions of City Ordinances.
- §19. Exclusion from "Non-dedicated" UNP TIF revenues. The additional tax authorized under this Ordinance shall not be considered a "non-dedicated" tax as contemplated in the Norman University North Park Project Plan, and accordingly no revenues generated from this additional tax levied on retail sales occurring within the Increment District shall be considered part of the Sales Tax Increment apportioned to the University North Park Tax Increment Finance District.
- §20. 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 11th day of
March, 2008.

Cindy [Signature]
 Mayor

NOT ADOPTED this _____ day of _____, 2008.

 Mayor

ATTEST:

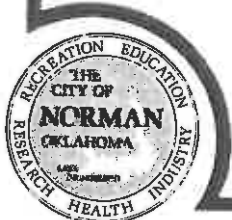
[Signature]
 City Clerk

Resolution

R-0809-125

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ESTABLISHING COMMUNITY ORIENTED POLICING (COP) IN ORDER TO IDENTIFY POLICING PRIORITIES OF THE COMMUNITY AND CREATE A STRATEGY FOR DEVELOPING PROCESSES FOR THOSE PRIORITIES.

- § 1. WHEREAS, on May 13, 2008, a special election was held in the City of Norman for a proposed temporary increase in the city sales tax by one half of one percent (.5%).
- § 2. WHEREAS, one purpose of the revenues was for the promotion of community relations through a philosophy of community policing which promotes partnership and positive interaction between the public safety personnel and the citizens of the City of Norman.
- § 3. WHEREAS, the Citizens Public Safety Oversight Committee (CPSOC) was established to review expenditures, monitor the successful implementation of community policing concepts and issue reports on their findings to the City Council and the public at least annually, or as frequently as the committee deems appropriate, or as requested by Council, and make recommendations on other issues related to public safety as may be assigned by Council.
- § 4. WHEREAS, the City of Norman, Oklahoma, desires to establish Community Oriented Policing (COP) to assist the Police Department in identifying policing priorities and develop processes to achieve implementation of community policing.
- § 5. WHEREAS, that COP should be implemented as a philosophy which permanently and positively changes the police department's interaction with the community. This positive interaction will lead to the creation of a safe, diverse and inclusive community. By working together, the Norman Police Department and the citizens of Norman can develop creative solutions to contemporary community problems related to public safety including crime, fear of crime, social and physical disorder, and neighborhood decay.
- § 6. WHEREAS, it is believed that the development of identified activities that focus on all City departmental efforts will assist in the achievement of Community Oriented Policing.
- § 7. WHEREAS, the Norman City Council encourages future City Councils to fully evaluate and seek reconsideration, as appropriate, of the Public Safety Tax (which expires on September 30, 2015) at least one (1) year prior to its expiration.

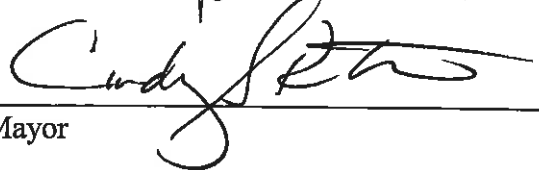


Resolution No. R-0809-125
Community Oriented Policing

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

- § 8. That the Norman City Council and the Citizens Public Safety Oversight Committee shall assist the Police Department in identifying the policing priorities of the community and suggest processes to address those priorities.
- § 9. That the Police Department will prepare a Five Year Implementation Plan in order to set forth the strategies and activities to successfully implement community policing concepts based on the priorities and policies established by the Norman City Council and CPSOC.
- §10. That the Police Department will prepare an Annual Work Plan (AWP), consistent with the five (5) year plan on the basis of intended results, strategies, budget, and the formation of community partners. The AWP will provide detailed activity planning and set out what will be accomplished during the year. The AWP shall contain:
 - a. Expected outcomes;
 - b. Activities to be carried out towards the achievement of the expected outcomes;
 - c. The time frame (by calendar quarter) for undertaking the planned activities; and
 - d. Identification of those responsible for implementing components of the plan.

PASSED AND ADOPTED this 28th day of April, 2009.



Mayor

ATTEST:


City Clerk



**City of Norman, Oklahoma
2009
Norman's Rededication to Community
Oriented Policing**



The Norman Police Department

In September 1919, the City of Norman ("the City") received its charter and the Norman Police Department became the primary law enforcement agency for the City. All early documents indicate that the department's manpower at the time was in the single digits-employing one to four officers. As the population of the City has changed over the years, so has the Norman Police Department. Currently, the department consists of 147 commissioned and 55 civilian personnel, for a total of 202 employees.

All 202 employees are assigned to one of three bureaus: Patrol, Criminal Investigations and Staff Services. The Patrol Bureau is responsible for such things as responding to calls for service, investigating and taking appropriate action regarding traffic activity, criminal activity, and unusual circumstances. In addition, the Patrol Bureau is responsible for the apprehension of offenders, recovery of stolen property, and preparation of reports and presentation of court testimony. The department's Criminal Investigations Bureau is responsible for the investigation of criminal activity, collection and preservation of crime scene evidence, apprehension of offenders, recovery of stolen property, and preparation of reports. The Criminal Investigations Bureau also manages the presentation of evidence to the prosecutor's office and presentation of court testimony. The Staff Services Bureau is responsible for records, communications, training, personnel services, animal welfare, and fiscal management. In 2009, the total budget for the department is approximately \$17M (excluding capital projects).

Initial Community Policing Efforts

The concept of community oriented policing ("COP") was first implemented by the Norman Police Department in 1993. The department's focus was becoming more committed to providing the highest quality of police service by working in partnership with the community to create permanent solutions to problems and enhance the quality of life in Norman. Soon after the implementation of this philosophy, the department observed success in partnering with the community and addressing problems. Problem solving became a proactive task rather than a reactive one. However, over the next fifteen years, the department's COP approach was weakened by declining staffing levels, increasing population and calls for service.

Norman's Rededication to COP
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crime, greater respect for law and order, increased crime control and crime prevention, and greater citizen satisfaction with police services.

Community policing represents a continuation of established traditions of policing in the United States. It flows from the following fundamental values:

- The police department believes that the prevention of crime is its number one priority.
- The police department involves the community in the delivery of its services.
- The police department holds itself accountable to the community it serves.
- The police department upholds three dimensions of equity: equal access to police services, equal treatment of all individuals under the U.S. Constitution, and equal distribution of police services and resources.

Research shows that community policing programs follow ten (10) underlying principals:

1. Crime prevention is the responsibility of the whole community.
2. The police and the community share ownership, responsibility, and accountability for the prevention of crimes.
3. Police effectiveness is a function of crime control, crime prevention, problem solving, community satisfaction, quality of life, and community engagement.
4. Mutual trust between the police and the community is essential for effective policing.
5. Crime prevention must be a flexible, long-term strategy in which the police and community collectively commit to resolving the complex and chronic causes of the crime.
6. Community policing requires knowledge, access and mobilization of community resources.
7. Community policing can only succeed when police administration and government officials enthusiastically support its principles and tenets.
8. Community policing depends on decentralized, community-based participation in decision-making.
9. Community policing allocates resources and services, which is based on analysis, identification and projection of patterns and trends, rather than incidents.
10. Community policing requires an investment in training with a special emphasis on: problem analysis and problem solving, facilitation, community organization, communication, mediation and conflict resolution, resource identification and use, networking and linkages, and cross-cultural competency.

It is a common misconception that COP is "soft on crime." This is not the case. Officers continue to make arrests and issue citations. However, the emphasis must shift with COP from activity indicators to long term solutions for problems. COP is also not "social work" or a cosmetic solution. The implementation of the COP philosophy merely formalizes and promotes community building and community-based problem solving which includes strong law enforcement components. COP must also not be viewed as a

Norman's Rededication to COP
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Recent Events

On May 13th, 2008, a special election was held in the City of Norman which proposed a temporary increase in the city sales tax by one half of one percent (.5%). Voters approved the proposition and it became effective on October 1, 2008. The approval of this additional tax, in part, will be used to staff additional police personnel, which in turn will allow COP to be reinstated in the community. With the enactment of this temporary public safety sales tax, a Citizen's Public Safety Oversight Committee was established to review the expenditures of the new monies and submit recommendations to the City Council regarding these expenditures. Members of the Citizen's Public Safety Oversight Committee are appointed by the Mayor upon approval by a majority of the City Council.

The Citizen's Public Safety Oversight Committee reviews the expenditures of revenues collected pursuant to the ordinance to determine if such funds are expended for the purposes specified in the ordinance. In addition, the Committee monitors the successful implementation of community policing concepts. Further, the City Council encourages the Citizens Oversight Committee to seek input and issue reports on their findings to the City Council and the public at least annually, or as frequently as the Committee deems appropriate or as requested by the Council. The Committee may review and make recommendations on such other issues related to Public Safety as may be assigned by the City Council.

In order to be successful, the COP mission and goals must be redefined to meet the current needs of the City of Norman. The City Council Oversight Committee along with members of the department recommend that the creation of a safe, diverse and inclusive community should be the paramount goal. The implementation of the COP philosophy is an opportunity to create positive interactions between the police department and the community.

Universal Principles of COP

Community policing is best described as a philosophy, managerial style, and organizational strategy. The goals of community policing are to promote better police-community partnerships and more proactive problem solving with the community. Community policing can help solve a wide range of community problems and issues involving crime control, crime prevention, and fear of crime.

In addition to Community Oriented Policing (COP), community policing is referred to by several names such as Community Problem Solving, Neighborhood Policing, and Problem-Based Policing. In order to be effective, community policing must be based on collaboration between police and citizens in a non-threatening and cooperative spirit. COP requires that police listen to citizens, take seriously how citizens perceive problems and issues, and seek to solve problems which have been identified. A fundamental assumption of the community policing approach is that the community is more likely than the police to recognize and understand public safety needs. Effective community policing can result in enhanced quality of life in neighborhoods, reduction of the fear of

Norman's Rededication to COP

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passing fad. In order to be effective, COP must be adopted as a philosophical change in the way the police interact with the public.

Norman's Desired COP Philosophy

The purpose of this COP statement is to unify community efforts, build alignment and loyalty among the Police Department staff, communicate our COP stance to the entire organization and the community, and finally to empower employees to set correct priorities and make correct decisions.

In addition to defining the principles and values of COP, the Police Department and Council Oversight Committee developed a vision of COP for Norman. It is the position of the group that COP should be implemented as a philosophy which permanently and positively changes the police department's interaction with the community. This positive interaction will lead to the creation of a safe, diverse and inclusive community. By working together, the Norman Police Department and the citizens of Norman can develop creative solutions to contemporary community problems related to public safety including crime, fear of crime, social and physical disorder, and neighborhood decay.

The mission of community oriented policing is to enhance the quality of service to Norman by developing a partnership based on trust using community relations, problem identification/solutions, and crime prevention. These partnerships must be permanent relationships of trust between the police and the community that must be developed and maintained to establish a network of resources to help in the problem identification and problem solving process. These relationships of trust enable law enforcement to gain greater access to valuable information from the community that could lead to the solution and prevention of crimes. Trust must be achieved before the police can assess the needs of the community and develop the close ties that will create community support. Community partnerships require an adoption of a policing perspective that exceeds the standard/traditional law enforcement emphasis. It is well understood that these partnerships will not happen overnight and will require an ongoing effort to be maintained.

The first element in working towards community oriented policing is the formation of community partnerships. Partnerships between police and community stakeholders are needed in order to carefully examine the characteristics of problems in neighborhoods and apply appropriate remedies. The group has identified community stakeholders such as the University of Oklahoma, other Norman educational institutions, social service agencies, businesses, the media, law enforcement, elected and appointed civic officials, property owners associations, neighborhood watches and members of the community as entities that must work together to ensure the success of community oriented policing.

Another element of community oriented policing that must be in place for the program to become effective is problem solving. Problem solving must be implemented in a proactive method to identify problems, educate all parties involved, and assign resources to solve those problems. Problem solving will require statistical analysis of data to

Norman's Rededication to COP

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produce feedback and evaluate the effectiveness of the solution. It is acknowledged that the results from this element may not be observed for several years after re-start-up.

The police must also enact a public information outreach to the community concerning community oriented policing programs, activities and opportunities. The police will in turn use these opportunities to develop partnerships to help identify and solve public safety issues. It is expected that the police will partner with Norman's diverse population to accomplish the expectations. The police must also open lines of communication from the youth to the elderly to address community concerns. The police will be able to then implement proactive crime prevention and increase the police visibility in the community, especially in neighborhoods.

Geographically based policing or the use of "beats" will allow for officers to be assigned to a specific area and remain as the primary person in the area. This will allow the officer to gain knowledge of that area and provide for accountability for the area. By remaining in one geographic location, officers are better able to act as liaisons for citizens with other city departments and give the community a clear understanding of whom to contact for COP issues. In addition, geographically based policing provides an opportunity for officers to focus on specific crime "hot spots" and adapt solutions. Officers should be continually evaluated on both their proactive and reactive programs.

Recruitment of new departmental personnel should be aimed at attracting new employees who are well suited to a COP philosophy. All commissioned and civilian departmental members will be COP knowledgeable, although some may have greater responsibilities. All department personnel, sworn and civilian, will be given initial and ongoing COP training. Their work plans, performance reviews, and performance measures will clarify expectations for employees under the COP philosophy. The entire organizational structure of the department will be structured to support COP.

The Citizens Oversight Committee should determine the mechanisms for measuring whether or not the benchmarks are being met, and if they should be adjusted based on their evaluations and public input. In order to facilitate this process, any needs should be directed to the City Manager and Council. The evaluation should be included in all reports. Our community's support of the COP program is essential to make it an enduring endeavor despite any changes in administration and political makeup of the Council. This can only be achieved by meeting the needs and expectations of the public. In order to achieve this, it is imperative for the Citizens Oversight Committee to create a means for public input and interaction.

Action

To achieve its goals the Norman Police Department will prepare a Five Year Implementation Plan to set forth the strategies and activities to successfully implement community policing concepts. Further, the Norman Police Department will prepare an Annual Work Plan consistent with the Five Year Implementation Plan on the basis of intended results, strategies, budget and the formation of community partners. The

Norman's Rededication to COP
Page 6 of 6

Annual Work Plan will provide detailed activity planning and accomplishments such as expected outcomes and activities, a time frame and identification of those responsible for implementation of all components of the Annual Work Plan.

Conclusion

Community oriented policing requires the police and the community to work together in partnership to solve community problems. Communication must be open and continuous with the youth of Norman and all other members of the community talking to police. COP allows for a better understanding of police duties and gives the citizens a greater voice in setting police priorities while improving the quality of life for the community. The partnerships created by community oriented policing will be permanent and help ensure a safe, diverse and inclusive city.

####

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 FIRST DAY OF APRIL, 2014, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED, QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVING OR REJECTING ORDINANCE NO. O-1314-33 OF THE CITY OF NORMAN, OKLAHOMA, LEVYING AND ASSESSING A SALES TAX OF ONE HALF OF ONE PERCENT (1/2%) ACCOUNTED FOR IN THE PUBLIC SAFETY SALES TAX FUND INTENDED TO REPLACE THE ONE HALF OF ONE PERCENT (1/2%) TEMPORARY PUBLIC SAFETY SALES TAX OF 2008 PROVIDED FOR IN ORDINANCE NO. O-0708-32 UPON ITS EXPIRATION ON SEPTEMBER 30, 2015 BUT IS OTHERWISE IN ADDITION TO PRESENT CITY AND STATE SALES TAXES UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TO ANY PERSON TAXABLE UNDER THE SALES TAX LAW OF OKLAHOMA INCLUDING, BUT NOT LIMITED TO, CERTAIN ENUMERATED SALES LISTED THEREIN; PROVIDING FOR THE PURPOSE OF THE ONE HALF OF ONE PERCENT (1/2%) SALES TAX TO BE USED, TO THE EXTENT FEASIBLE FROM THE REVENUES GENERATED HEREBY, FOR THE PURPOSES OF RETENTION OF THE SEVENTY-ONE (71) PUBLIC SAFETY PERSONNEL POSITIONS INITIALLY ADDED WITH REVENUES FROM THE PUBLIC SAFETY SALES TAX OF 2008 COLLECTED PURSUANT TO ORDINANCE NO. O-0708-32; ADDITION OF THIRTEEN (13) POLICE PERSONNEL POSITIONS TO IMPLEMENT A SCHOOL RESOURCE OFFICER PROGRAM JOINTLY FUNDED WITH PARTICIPATING PUBLIC SCHOOL SYSTEMS WITHIN THE MUNICIPALITY, FOUR (4) EMERGENCY COMMUNICATIONS OFFICERS, AND TWO (2) EMERGENCY VEHICLE MECHANICS; REPLACEMENT OF CITY EMERGENCY COMMUNICATIONS SYSTEMS; CONSTRUCTION OF EMERGENCY OPERATIONS AND DISPATCH FACILITY; REPLACEMENT OF FIRE TRUCKS AND APPARATUS; RELOCATION AND RECONSTRUCTION OF FIRE STATION NO. 5; DEBT SERVICE IF INCURRED FOR THE ABOVE PURPOSES; AND THEN ACCOUNTING FOR THREE EIGHTHS OF ONE PERCENT (3/8%) TO THE GENERAL FUND AND ONE EIGHTH OF ONE PERCENT (1/8%) TO THE CAPITAL FUND FOR SUCH OTHER LAWFUL PURPOSES AS SPECIFIED HEREIN; TO BECOME EFFECTIVE ON THE FIRST DAY OF OCTOBER, 2015, FROM THE SALES TAX LAW OF OKLAHOMA INCLUDING, BUT NOT LIMITED TO, CERTAIN ENUMERATED EXEMPTIONS LISTED THEREIN; PROVIDING FOR THE ADMINISTRATION AND COLLECTION OF TAX; REQUIRING THE FILING OF RETURNS; PROVIDING FOR INTEREST AND PENALTIES FOR

FAILURE TO PAY TAX WHEN DUE; PROVIDING FOR TAXPAYER TO KEEP RECORDS; REQUIRING VENDORS TO COLLECT TAX FROM PURCHASER AT TIME OF SALE; ESTABLISHING LIENS; AUTHORIZING THE CITY COUNCIL TO MAKE ADMINISTRATIVE AND TECHNICAL CHANGES AND ADDITIONS EXCEPT TAX RATE; MAKING THE TAX CUMULATIVE; AMENDING SECTIONS 8-403 AND 8-416 OF CHAPTER 8 OF THE CODE OF ORDINANCES TO ADD A PERMANENT TAX FOR PUBLIC SAFETY PURPOSES; REQUIRING APPROVAL OF ORDINANCE BY MAJORITY OF REGISTERED VOTERS VOTING AT AN ELECTION HELD FOR SUCH PURPOSE AS PROVIDED BY LAW; FIXING EFFECTIVE DATE; 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 her 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 first day of April, 2014, for the purpose of submitting to the registered, qualified voters of said City of Norman, Oklahoma, for their approval or rejection the following proposition:

PROPOSITION

“SHALL ORDINANCE NO. O-1314-33 PROVIDING FOR THE ASSESSMENT OF A SALES TAX OF ONE HALF OF ONE PERCENT (1/2%) ACCOUNTED FOR IN THE PUBLIC SAFETY SALES TAX FUND INTENDED TO REPLACE THE ONE HALF OF ONE PERCENT (1/2%) TEMPORARY PUBLIC SAFETY SALES TAX OF 2008 PROVIDED FOR IN ORDINANCE NO. O-0708-32 UPON ITS EXPIRATION ON SEPTEMBER 30, 2015 BUT IS OTHERWISE IN ADDITION TO THE PRESENT CITY AND STATE SALES TAX UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TO ANY PERSON TAXABLE UNDER THE SALES TAX LAW OF OKLAHOMA INCLUDING, BUT NOT LIMITED TO, CERTAIN ENUMERATED SALES LISTED THEREIN; PROVIDING FOR THE PURPOSE OF THE ONE HALF OF ONE PERCENT (1/2%) TO BE USED, TO THE EXTENT FEASIBLE FROM THE REVENUES GENERATED HEREBY, FOR THE PURPOSES OF RETENTION OF THE SEVENTY-ONE (71) PUBLIC SAFETY PERSONNEL POSITIONS INITIALLY ADDED WITH REVENUES FROM THE PUBLIC SAFETY SALES TAX OF 2008 COLLECTED

PURSUANT TO ORDINANCE NO. O-0708-32; ADDITION OF THIRTEEN (13) POLICE PERSONNEL POSITIONS TO IMPLEMENT A SCHOOL RESOURCE OFFICER PROGRAM JOINTLY FUNDED WITH PARTICIPATING PUBLIC SCHOOL SYSTEMS WITHIN THE MUNICIPALITY, FOUR (4) EMERGENCY COMMUNICATIONS OFFICERS, AND TWO (2) EMERGENCY VEHICLE MECHANICS; REPLACEMENT OF CITY EMERGENCY COMMUNICATIONS SYSTEMS; CONSTRUCTION OF EMERGENCY OPERATIONS AND DISPATCH FACILITY; REPLACEMENT OF FIRE TRUCKS AND APPARATUS; RELOCATION AND RECONSTRUCTION OF FIRE STATION NO. 5; DEBT SERVICE IF INCURRED FOR THE ABOVE PURPOSES; AND THEN ACCOUNTING FOR THREE EIGHTHS OF ONE PERCENT (3/8%) TO THE GENERAL FUND AND ONE EIGHTH OF ONE PERCENT (1/8%) TO THE CAPITAL FUND FOR SUCH OTHER LAWFUL PURPOSES OF THE CITY BE APPROVED; AND PROVIDING THAT ONE HALF OF ONE PERCENT (1/2%) SHALL BEGIN TO BE LEVIED ON OCTOBER 1, 2015?"

- § 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.

§ 6. Citation and codification. This Ordinance shall be known and cited as the Norman Public Safety Sales Tax Ordinance of 2015, and the same shall be codified and incorporated into Chapter 8, Article IV of the Code of Ordinances of the City of Norman, Oklahoma (the “City”) as follows:

* * *

Section 8-403 – Tax Rate – Sales subject to tax.

There is hereby levied an excise tax of three and one half (3.5) percent, upon the gross proceeds or gross receipts derived from all sales taxable under the Sales Tax Law of Oklahoma . . . [remaining provisions of this section unchanged]

* *

Section 8-416 – Pledge of portions of tax for expenditure for certain purposes.

- (a) Seventy (70) percent of the additional or second one-percent excise tax (sales tax) will be expended solely for capital expenditures or debt service on obligations financing said capital expenditures for the City, or any public trust having the City as beneficiary, and the remaining thirty (30) percent of the additional or second one-percent tax will be expended for the general municipal government function of the City.
- (b) The additional one half percent of excise tax (sales tax) derived from the Public Safety Sales Tax of 2015 will be expended first to fund Public Safety Personnel positions that were initially funded by the Temporary Public Safety Sale Tax of 2008; to fund the addition of thirteen (13) police personnel to implement a school resource officer program, four (4) emergency communications officers, and two (2) emergency vehicle mechanics; replacement of city radio communications systems; construction of emergency operations and dispatch facility; replacement of fire trucks and apparatus; relocation and reconstruction of fire station no. 5; debt service if incurred for the above purposes.
- (c) Upon satisfaction of the purposes of subsection (b), then the revenues (sales tax) derived from the Public Safety Sales Tax of 2015 shall be accounted for as follows: three eighths of one percent (3/8%) to the General Fund and one eighth of one percent (1/8%) to the Capital Fund for such other public needs as may be identified and budgeted by Council after evaluation considering at least one of the following criteria: projects or expenditures that enhance public safety services;

projects or expenditures that enhance emergency management capabilities; projects or expenditures that enhance animal welfare capabilities; projects or expenditures that provide direct services to the citizens; projects or expenditures that help ensure long term financial stability of the City; and/or projects or expenditures that provide for continuity of existing City services.

* * *

- § 7. Tax imposed. It is hereby imposed a sales tax of one half of one percent (1/2%) (in addition to any and all other sales taxes now in force) to be levied upon the gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code.
- § 8. Effective date and termination. This Ordinance shall become effective on and after the first day of October, 2015, subject to approval of a majority of the registered voters of the City of Norman voting on the same in the manner prescribed by law.
- § 9. Purposes of revenues. The proceeds of the one half of one percent (1/2%) sales tax levied and assessed by this Ordinance shall be dedicated to the Public Safety Sales Tax Fund and used, to the extent feasible from the revenues generated hereby, as follows:

For retention of the seventy-one (71) public safety sales tax personnel initially added with revenues from the Public Safety Sales Tax of 2008 collected pursuant to Ordinance No. O-0708-32; addition of thirteen (13) police personnel to implement a school resource officer program jointly funded with participating public school systems within the municipality, four (4) emergency communications officers, and two (2) emergency vehicle mechanics; replacement of City emergency communications systems; construction of emergency operations and dispatch facility; replacement of fire trucks and apparatus; relocation and reconstruction of Fire Station No. 5; debt service if incurred for the above purposes; the revenues, upon satisfaction of the above purposes, shall be accounted for as follows: three eighths of one percent (3/8%) to the General Fund and one eighth of one percent (1/8%) to the Capital Fund for such other purposes as may be adopted by Council in accordance with criteria specified in section 13 below, provided it is not the intention that revenue generated from this additional tax levy be utilized to create inequities in the City of Norman Compensation system among public safety and nonpublic safety personnel.

- §10. Citizens Public Safety Oversight Committee. The Citizens Public Safety Oversight Committee, established by Ordinance No. O-0708-32, shall review the expenditures of such monies and submit recommendations to Council regarding such expenditures.

- §11. Appointment and number of members. The Citizens Public Safety Oversight Committee, established by Ordinance No. O-0708-32, shall continue to be appointed by the Mayor of the City of Norman upon approval by a majority of the City Council. Prior to the Mayor's recommended appointment of a new Committee member, the Mayor shall consult with the Councilmember for the Ward from which the Committee member is to be chosen. The Committee shall continue to consist of one member from each Ward and one member at-large. The Citizens Public Safety Oversight Committee shall not be current City employees, officials, contractors or vendors of the City.

- §12. Purposes of Citizens Public Safety Oversight Committee. The Citizens Public Safety Oversight Committee shall review the expenditure of revenues collected pursuant to this Ordinance to determine if such funds are expended for the purposes specified in the Ordinance, monitoring the successful implementation of community policing concepts, and issuing reports on their findings to the City Council and the public on an annual basis or as requested by Council, and may prospectively review and make recommendations on such other issues related to Public Safety as may be assigned to it by Council.

- §13. Staffing Plan. Revenues collected hereunder shall be accounted for in the Public Safety Sales Tax Fund and expended first for the retention of the seventy-one (71) public safety sales tax personnel initially added with revenues from the Public Safety Sales Tax of 2008 collected pursuant to Ordinance No. O-0708-32; addition of thirteen (13) police personnel to implement a school resource office program jointly funded with participating public school systems within the municipality, four (4) emergency communications officers, and two (2) emergency vehicle mechanics; replacement of City emergency communications systems; construction of emergency operations and dispatch facility; replacement of fire trucks and apparatus; relocation and reconstruction of Fire Station No. 5 over the period of the tax in accordance with the Staffing Plan set forth herein, and debt service if incurred for the above purposes. The revenues, upon satisfaction of the above purposes, shall be accounted for as follows: three eighths of one percent (3/8%) to the General Fund and one eighth of one percent (1/8%) to the Capital Fund for such other public needs as may be identified and budgeted by Council after evaluation considering at least one of the following criteria: projects or expenditures that enhance public safety services; projects or expenditures that enhance emergency management capabilities; projects or expenditures that enhance animal welfare capabilities; projects or expenditures that provide direct services to the citizens; projects or expenditures that help ensure long term financial stability of the City; and/or projects or expenditures that provide for continuity of existing City services.

Year of Tax	School Resource Police Officers	Additional Emergency Vehicle Mechanics	Additional Communications Officers
1	7	2	2
2	6	0	0
3	0	0	2

- §14. Subsisting state permits. All valid and subsisting permits to do business issued by the Oklahoma Tax Commission pursuant to the Oklahoma Sales Tax Code are, for the purpose of this Ordinance, hereby ratified, confirmed and adopted in lieu of any requirement for an additional City permit for the same purpose.
- §15. Payment of tax. The tax herein levied shall be paid at the time and in the manner and in the form prescribed for the payment of state sales tax under the Oklahoma Sales Tax Code.
- §16. In addition to current taxes. The tax levied hereby is intended to replace the one half of one percent (1/2%) temporary Public Safety Sales Tax of 2008 provided for in Ordinance no. O-0708-32 upon its expiration on September 30, 2015 and is otherwise in addition to any and all other sales taxes levied or assessed by the City. Provided, however, that those provisions of Article IV of Chapter 8 (Sales Tax) of the Code of Ordinances, of the City of Norman, Oklahoma, not inconsistent herewith, shall apply to the sales tax levied and assessed by this Ordinance. For the purpose of this Ordinance, references in the Code of Ordinances to specific provisions of the Oklahoma Sales Tax Code shall deem to be referenced to said statutory provisions, as amended.
- §17. Amendment. The citizens of the City of Norman, Oklahoma, by their approval of this Ordinance at the election hereinabove provided for, hereby authorize the City by Ordinance duly enacted to make any such administrative and technical changes or additions in the method and manner of administration and enforcing this Ordinance as may be necessary or proper for efficiency and fairness except that the purpose, rate and limitation of time for collection of the tax herein provided shall not be changed without the approval of the qualified electors of the City as provided by law. Prior to approval of such amendatory Ordinance, the Oversight Committee established pursuant to Section 10 herein shall review and make recommendation to the Council regarding the amendment.
- §18. Provisions cumulative. Provisions hereof shall be cumulative and in addition to any and all other taxing provisions of City Ordinances.
- §19. Exclusion from "Non-dedicated" UNP TIF revenues. The additional tax authorized under this Ordinance shall not be considered a "non-dedicated" tax as contemplated in the Norman University North Park Project Plan, and accordingly no revenues generated from this additional tax levied on retail sales occurring within the Increment District shall be considered part of the Sales Tax Increment apportioned to the University North Park Tax Increment Finance District.

§20. 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 28th day of January, 2014.

NOT ADOPTED this _____ day of _____, 2014.

Cindy S. Postell
Mayor

Mayor

ATTEST:

Terenda 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-1314-33 dated January 28, 2014, authorizing the calling of an elections on the Proposition hereinafter set forth, I, the undersigned Mayor of the City of Norman, Oklahoma. On the first day of April, 2014, for the purpose of submitting to the registered qualified voters in said City the proposed Proposition:

PROPOSITION

“SHALL ORDINANCE NO. O-1314-33 PROVIDING FOR THE ASSESSMENT OF A SALES TAX OF ONE HALF OF ONE PERCENT (1/2%) ACCOUNTED FOR IN THE PUBLIC SAFETY SALES TAX FUND INTENDED TO REPLACE THE ONE HALF OF ONE PERCENT (1/2%) TEMPORARY PUBLIC SAFETY SALES TAX OF 2008 PROVIDED FOR IN ORDINANCE NO. O-0708-32 UPON ITS EXPIRATION ON SEPTEMBER 30, 2015 BUT IS OTHERWISE IN ADDITION TO THE PRESENT CITY AND STATE SALES TAX UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TO ANY PERSON TAXABLE UNDER THE SALES TAX LAW OF OKLAHOMA, INCLUDING, BUT NOT LIMITED TO, CERTAIN ENUMERATED SALES LISTED THEREIN; PROVIDING FOR THE PURPOSE OF THE ONE HALF OF ONE PERCENT (1/2%) TO BE USED, TO THE EXTENT FEASIBLE FROM THE REVENUES GENERATED HEREBY, FOR THE PURPOSES OF RETENTION OF THE SEVENTY-ONE (71) PUBLIC SAFETY PERSONNEL INITIALLY ADDED WITH REVENUES GENERATED FROM THE PUBLIC SAFETY SALES TAX OF 2008 LEVIED AND COLLECTED PURSUANT TO ORDINANCE NO. O-0708-32; ADDITION OF THIRTEEN (13) POLICE PERSONNEL TO IMPLEMENT A SCHOOL RESOURCE OFFICER PROGRAM JOINTLY FUNDED WITH PARTICIPATING PUBLIC SCHOOL SYSTEMS WITHIN THE MUNICIPALITY, FOUR (4) EMERGENCY COMMUNICATIONS OFFICERS, AND TWO (2) EMERGENCY VEHICLE MECHANICS; REPLACEMENT OF CITY EMERGENCY COMMUNICATIONS SYSTEMS; CONSTRUCTION OF EMERGENCY OPERATIONS AND DISPATCH FACILITY; REPLACEMENT OF FIRE TRUCKS AND APPARATUS; RELOCATION AND RECONSTRUCTION OF FIRE STATION NO. 5; DEBT SERVICE IF INCURRED FOR THE ABOVE PURPOSES; AND THEN ACCOUNTING FOR THREE EIGHTHS OF ONE PERCENT (3/8%) TO THE GENERAL FUND AND

ONE EIGHTH OF ONE PERCENT (1/8%) TO THE CAPITAL FUND FOR SUCH OTHER LAWFUL PURPOSES OF THE CITY BE APPROVED AFTER CONSIDERING SPECIFIED CRITERIA; AND PROVIDING THAT SUCH ADDITIONAL ONE HALF OF ONE PERCENT (1/2%) SHALL BEGIN TO BE LEVIED ON OCTOBER 1, 2015?"

The ballot used at said election shall set out the Proposition as set forth above and shall also contain the words:

- 1st YES - FOR THE PROPOSITION
- 2nd NO – AGAINST THE PROPOSITION

(If the voter desires to vote for the above Proposition, he shall mark the ballot accordingly; if he desires to vote against the above Proposition, he shall mark the ballot accordingly.)

That only the registered qualified voters of the City of Norman, Oklahoma, may vote upon the Proposition as above set forth. The polls shall be opened at 7:00 o'clock a.m. and shall remain open continuously until and be closed at 7:00 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 28th day of JANUARY 2014.

Cirely Spostell
Mayor

(SEAL)

ATTEST:

Renee Hall
CITY CLERK



Resolution

R-1314-111

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, EXPRESSING THE INTENT OF THE CITY COUNCIL TO USE THOSE REVENUES GENERATED FROM THE TEMPORARY PUBLIC SAFETY SALES TAX REFERENDUM THAT ARE UNENCUMBERED WHEN THE TAX EXPIRES ON SEPTEMBER 30, 2015 FOR PUBLIC SAFETY CAPITAL IMPROVEMENTS, PROVIDED VOTERS APPROVE THE PUBLIC SAFETY SALES LEVY UNDER ORDINANCE NO. O-1314-33.

- § 1. WHEREAS, on March 11, 2008, the City Council adopted Ordinance No. O-0708-32, the Public Safety Sales Tax ("PSST I"), creating a temporary one half of one percent sales tax on retail sales extending from October 1, 2008 to September 30, 2015 with the revenues generated thereby to be used primarily for public safety purposes; and
- § 2. WHEREAS, the voters of the City of Norman approved Ordinance No. O-0708-32, PSST I, at a duly called election held on May 13, 2008; and
- § 3. WHEREAS, the primary purposes of PSST I, including the addition of seventy-one (71) public safety personnel, will have been accomplished before its expiration on September 30, 2015; and
- § 4. WHEREAS, because PSST I was a temporary sales tax, Council previously directed staff to reserve adequate revenues generated from PSST I to continue to fund the seventy-one (71) public safety personnel positions and associated equipment expenditures for an additional six months beyond the expiration date of PSST I; and
- § 5. WHEREAS, the City Council has authorized funding from PSST I revenues to accomplish a number of additional public safety capital improvements and expenditures authorized by the PSST I Ordinance including: improved communication systems; remodeling and equipping the Norman Investigations Center (formerly Smalley Center); making a contribution to the "Rainy Day" Fund; and making a contribution to the General Fund in support of the emergency communications function; among other expenditures, and City Council anticipates revenues from PSST I to remain unencumbered beyond those purposes on September 30, 2015; and



- § 6. WHEREAS, on January 28, 2014, the City Council adopted Ordinance No. O-1314-33, the continuation of the Public Safety Sales Tax ("PSST II"), that will continue to levy a one half of one percent tax on retail sales beginning on October 1, 2015; and
- § 7. WHEREAS, the voters of the City of Norman will consider approval of Ordinance No. O-1314-33, PSST II, at a duly called election held on April 1, 2014; and
- § 8. WHEREAS, if PSST II is approved by the voters, the revenues collected to be set aside from PSST I initially intended to pay for salaries, benefits, and associated equipment of the seventy-one (71) public safety personnel hired under PSST I for an additional six months beyond the expiration of PSST I will no longer be necessary for such a purpose, and revenues collected that are unencumbered on September 30, 2015, as described in Section 5 above, together, are estimated to be four million nine hundred thousand dollars (\$4.9 million); and
- § 9. WHEREAS, City Council desires to formally express its intent, should the voters approve PSST II, to utilize the PSST I revenues identified in Section 8 above, to the extent needed, for the specific Public Safety capital improvements identified in the PSST II Ordinance.

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

- § 10. That should the voters approve Ordinance O-1314-33, then the revenues collected under PSST I originally intended to provide for salary, benefits, and associated equipment for the seventy-one public safety personnel positions for an additional six months beyond the expiration date of PSST I, and the other unencumbered PSST I revenues on September 30, 2015, shall be used, to the extent needed, for the specific Public Safety capital improvements identified in the PSST II Ordinance.

PASSED AND ADOPTED this 25th day of February, 2014.



Cindy Fogel
Mayor

ATTEST:

Brenda Hall
City Clerk

**2022 CALENDAR YEAR
SCHEDULE OF REGULAR MEETINGS**

Monthly Planner	<i>[Handwritten initials]</i>
City Web Calendar	<i>[Handwritten initials]</i>
Meeting Room Calendar	<i>[Handwritten initials]</i>

Public Safety Oversight Committee

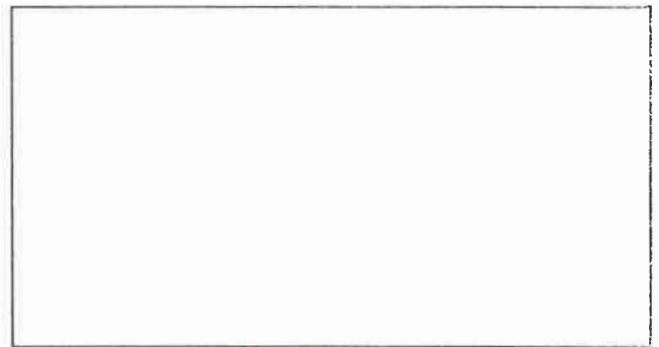
Name of Board/Commission/Committee

Please enter the date of the meeting in the DATE column or type in the following:
"Meetings scheduled as Needed" in the DATE column.

DATE	TIME	Physical Location
January 13, 2022	4:00 pm	201 W. Gray St. Municipal Building, City Council Chambers CANCELLED
February 17, 2022	4:00 pm	201 W. Gray St. Municipal Building, City Council Chambers
March 10, 2022	4:00 pm	201 W. Gray St. Municipal Building, City Council Chambers
April 14, 2022	4:00 pm	201 W. Gray St. Municipal Building, City Council Chambers CANCELLED
May 12, 2022	4:00 pm	201 W. Gray St. Municipal Building, City Council Chambers
June 9, 2022	4:00 pm	201 W. Gray St. Municipal Building, City Council Chambers
July 14, 2022	4:00 pm	201 W. Gray St. Municipal Building, City Council Chambers
August 11, 2022	4:00 pm	201 W. Gray St. Municipal Building, City Council Chambers
September 8, 2022	4:00 pm	201 W. Gray St. Municipal Building, City Council Chambers
October 13, 2022	4:00 pm	201 W. Gray St. Municipal Building, City Council Chambers
November 10, 2022	4:00 pm	201 W. Gray St. Municipal Building, City Council Chambers
December 8, 2022	4:00 pm	201 W. Gray St. Municipal Building, City Council Chambers

To be completed by person filing notice:

Name: Ashley Evans
Administrative Technician IV
 Address: 201 W. Gray St.
Building C
 Phone No.: 405-366-5413



Filed in the office of the Municipal Clerk at 2:45 a.m. / (p.m.) on 10/28/21

Signed: *Brenda Hall*
 City Clerk

**Must be filed prior to December 15, 2022*

**2023 CALENDAR YEAR
SCHEDULE OF REGULAR MEETINGS**

Monthly Planner	
Municode Calendar	
Meeting Room Calendar	

Public Safety Oversight Committee

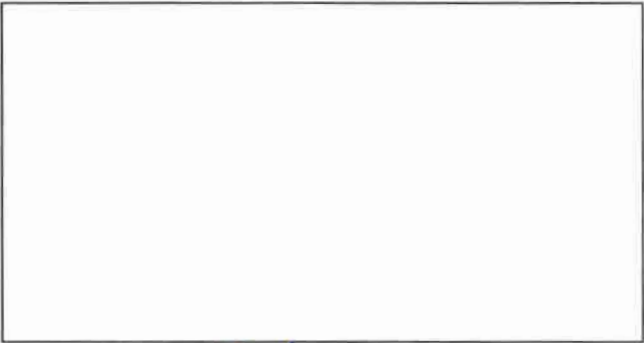
Name of Board/Commission/Committee

Please enter the date of the meeting in the DATE column or type in the following:
"Meetings scheduled as Needed" in the DATE column.

DATE	TIME	Physical Location
January 12, 2023	4:00 pm	201 W. Gray, Council Chambers, Norman, OK
February 9, 2023	4:00 pm	225 N. Webster, Development Center Room B, Norman, OK
March 9, 2023	4:00 pm	225 N. Webster, Development Center Room B, Norman, OK
April, 13, 2023	4:00 pm	225 N. Webster, Development Center Room B, Norman, OK
May 11, 2023 Cancelled	4:00 pm	225 N. Webster, Development Center Room B, Norman, OK
June 8, 2023	4:00 pm	225 N. Webster, Development Center Room B, Norman, OK
July 13, 2023	4:00 pm	225 N. Webster, Development Center Room B, Norman, OK
August 10, 2023	4:00 pm	225 N. Webster, Development Center Room B, Norman, OK
September 14, 2023	4:00 pm	225 N. Webster, Development Center Room B, Norman, OK
October 12, 2023	4:00 pm	225 N. Webster, Development Center Room B, Norman, OK
November 9, 2023	4:00 pm	225 N. Webster, Development Center Room B, Norman, OK
December 14, 2023	4:00 pm	225 N. Webster, Development Center Room B, Norman, OK

To be completed by person filing notice:

Name: Danielle Risenhoover
Administrative Tech. IV
 Address: 225 N. Webster Ave.
Norman, OK 73069
 Phone No.: 405-366-5413



Filed in the office of the Municipal Clerk at 1:25 a.m./p.m. on 5/4/23

Signed: Brenda Hall
 City Clerk

*AMENDED

CITIZENS PUBLIC SAFETY OVERSIGHT COMMITTEE MINUTES
July 14, 2022

The Citizens Public Safety Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 4 p.m. via 201 W. Gray St. City Council Chambers, on the 14th day of July 2022, and notice and agenda of the meeting were posted at City Hall located at 201 W. Gray Street 24 hours prior to the beginning of the meeting.

PRESENT: Chair Linda Price, Members Lea Greenleaf, Mike Rainer, and Greg Gilkey, Kenny Orr, Kyle Hurley, and Russell Rice

ABSENT: Members Jim Costello and Ann Gallagher

COMMITTEE LIAISONS: FOP (position vacant)
 OU (position vacant)
 IAFF (position vacant)

STAFF PRESENT: Anthony Francisco, Director of Finance
 Ashley Evans, Administrative Technician
 Kim Coffman, Budget Manager
 Russell Anderson, Communication Systems Manager
 Major Barbour, NPD
 Jacob Huckabaa, Budget Technician
 Chief Travis King, NFD
 Bill Scanlon, Citizen

Item 1, being

CALL TO ORDER

Chair Price called the meeting to order at 4 pm. She welcomed staff and guests to the meeting and asked them to introduce themselves.

Item 2, being

**APPROVAL OF THE CITIZENS PUBLIC SAFETY OVERSIGHT COMMITTEE MINUTES
OF June 9, 2022.**

Member Greenleaf made a motion to approve the Citizens Public Safety Oversight Committee minutes, of the June 9, 2022 meeting, which motion was duly seconded by Member Rice; and the question being to approve the Citizens Public Safety Oversight Committee minutes of June 9, 2022, a vote was taken with the following result:

YEAS:

Chair Linda Price, Members Lea Greenleaf, Mike Rainer, and Greg Gilkey, Kenny Orr, Kyle Hurley, and Russell Rice

NAYES:

none

Chair Price declared the motion carried and the Citizens Public Safety Oversight Committee minutes of June 9, 2022 approved.

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ITEM 3, being:

MONTHLY UPDATES

Finance Report

Kim Coffman gave the update. She stated that we ended the fiscal year 16% above the budget revenues for FYE 22.

Fire Department

Chief King gave the update. He stated that we are starting the order of another pumper. We have 15 new recruits that started class on Monday.

Police Report

Major Barbour gave the update. He stated that the Police Department participated in Safety Town, the Jr. Police Academy, the Police Activities League, and a cookout at the Salvation Army. National Night Out is October 3rd and the next Coffee with a Cop is September 5th. We are currently down 21 commissioned officers and 11 non-commissioned officers.

Dispatch

Russell Anderson gave the update. He stated we are down 6 people still and are hiring 2 tomorrow.

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ITEM 4, being

UPDATE ON EMERGENCY OPERATIONS CENTER (EOC) PROJECT

Major Barbour gave the update. He stated that we are still moving forward with the design phase.

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Item 5, being

CONSIDERATION OF SENDING RECOMMENDATION TO CITY COUNCIL ADVOCATING FOR FULLY IMPLEMENTING THE PSST SRO PROGRAM

The Committee engaged in a discussion about whether more SROs were needed in schools considering the recent school shootings in the news. Member Rice presented statistics gathered about the Norman SRO program.

Member Greenleaf made a motion to approve sending a recommendation to City Council advocating for fully implementing the PSST SRO program, which motion was duly seconded by Member Rainer; and the question being to approve sending a recommendation to City Council advocating for fully implementing the PSST SRO program, a vote was taken with the following result:

YEAS:

Chair Linda Price, Members Lea Greenleaf, Mike Rainer, and Greg Gilkey, and Kenny Orr

NAYES:

Members Kyle Hurley and Russell Rice

Chair Price declared the motion carried and the recommendation to City Council advocating for fully implementing the PSST SRO program approved.

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Item 6, being

CONSIDERATION OF SENDING RECOMMENDATION TO CITY COUNCIL ADVOCATING FOR FULLY IMPLEMENTING THE PSST COMMUNICATIONS PROGRAM

The Committee engaged in a discussion regarding fully implementing the dispatch portion of the PSST, and Member Rice stated that dispatch saves lives.

Member Gilkey made a motion to approve sending a recommendation to City Council advocating for fully implementing the PSST Communications program, which motion was duly seconded by Member Rice; and the question being to approve sending a recommendation to City Council advocating for fully implementing the PSST Communications program, a vote was taken with the following result:

YEAS:

Chair Linda Price, Members Lea Greenleaf, Mike Rainer, and Greg Gilkey, Kenny Orr, Kyle Hurley, and Russell Rice

NAYES:

none

Chair Price declared the motion carried and the recommendation to City Council advocating for fully implementing the PSST Communications program approved.

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Item 7, being

ESTABLISH AGENDA TOPICS FOR THE NEXT August 11, 2022 MEETING

All normal topics at the next meeting.

Citizens Public Safety Oversight Committee Minutes
July 14, 2022
Page 5

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Item 8, being

MISCELLANEOUS COMMENTS

None at this time.

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Item 9, being

ADJOURNMENT

Adjourned at 5:13 pm

CITIZENS PUBLIC SAFETY OVERSIGHT COMMITTEE MINUTES
August 11, 2022

The Citizens Public Safety Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 4 p.m. via 201 W. Gray St. City Council Chambers, on the 11th day of August 2022, and notice and agenda of the meeting were posted at City Hall located at 201 W. Gray Street 24 hours prior to the beginning of the meeting.

PRESENT: Chair Linda Price, Members Lea Greenleaf, Mike Rainer, Kenny Orr, Kyle Hurley, and Russell Rice

ABSENT: Members Jim Costello, Greg Gilkey, and Ann Gallagher

COMMITTEE LIAISONS: FOP (position vacant)
OU (position vacant)
IAFF (position vacant)

STAFF PRESENT: Ashley Evans, Administrative Technician
Russell Anderson, Communication Systems Manager
Major Barbour, NPD
Jacob Huckabaa, Budget Technician
Chief Travis King, NFD
Bill Scanlon, Citizen

Item 1, being

CALL TO ORDER

Chair Price called the meeting to order at 4 pm. She welcomed staff and guests to the meeting and asked them to introduce themselves.

Item 2, being

APPROVAL OF THE CITIZENS PUBLIC SAFETY OVERSIGHT COMMITTEE MINUTES OF July 14, 2022.

Member Greenleaf made a motion to approve the Citizens Public Safety Oversight Committee minutes, of the July 14, 2022 meeting, which motion was duly seconded by Member Rice; and the question being to approve the Citizens Public Safety Oversight Committee minutes of July 14, 2022, a vote was taken with the following result:

YEAS: Chair Linda Price, Members Lea Greenleaf, Mike Rainer, Kenny Orr, Kyle Hurley, and Russell Rice

NAYES: none

Chair Price declared the motion carried and the Citizens Public Safety Oversight Committee minutes of July 14, 2022 approved.

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ITEM 3, being:

MONTHLY UPDATES

Finance Report

Jacob Huckabaa gave the update. He stated that sales tax collection is 6% below budget and expenditures are below budget.

Fire Department

Chief King gave the update. He stated that the new pumper tanker will be ordered in the next few days. It cost \$110,000 more than the same truck they ordered last year due to inflation. We now have 16 recruits in the Academy.

Police Report

Major Barbour gave the update. He stated that Captain Hopkins will be the new representative for the PSST Committee. 4 cadets are still in the Academy and the next Academy starts September

6th with 5 cadets. We are currently down 8 non-commissioned people and 22 commissioned officers. National Night Out is October 3rd. Coffee with a Cop is October 5th at Panera Bread. The Citizens Police Academy begins at the end of August.

Dispatch

Russell Anderson gave the update. He stated we have 2 dispatchers in the Academy doing well and 2 more starting background checks. We will be doing interviews next week with 7 applicants.

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ITEM 4, being

UPDATE ON EMERGENCY OPERATIONS CENTER (EOC) PROJECT

Major Barbour gave the update. He stated that the design documents are complete and we are starting talks about the ground breaking.

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Item 5, being

ESTABLISH AGENDA TOPICS FOR THE NEXT September 8, 2022 MEETING

All normal topics at the next meeting.

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Item 6, being

MISCELLANEOUS COMMENTS

Chair Price would like to have more structured meetings. All Committee Members agree.

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Item 7, being

ADJOURNMENT

Adjourned at 4:58 pm

CITIZENS PUBLIC SAFETY OVERSIGHT COMMITTEE MINUTES
September 8, 2022

The Citizens Public Safety Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, were unable to meet at 4 p.m. via 201 W. Gray St. City Council Chambers, on the 8th day of September 2022, due to the lack of a quorum.

CITIZENS PUBLIC SAFETY OVERSIGHT COMMITTEE MINUTES
October 13, 2022

The Citizens Public Safety Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 4 p.m. via 201 W. Gray St. City Council Chambers, on the 13th day of October 2022, and notice and agenda of the meeting were posted at City Hall located at 201 W. Gray Street 24 hours prior to the beginning of the meeting.

PRESENT: Chair Linda Price, Members Ann Gallagher, Mike Rainer, Kenny Orr, Kyle Hurley, and Greg Gilkey

ABSENT: Members Russell Rice and Lea Greenleaf

COMMITTEE LIAISONS: FOP (position vacant)
OU (position vacant)
IAFF (position vacant)

STAFF PRESENT: Jacob Huckabaa, Budget Technician
Major Barbour, NPD
Assistant Chief Jason Smith, NFD

CITIZENS PRESENT: Bill Scanlon
Roger Gallagher

Item 1, being

CALL TO ORDER

Chair Price called the meeting to order at 4 pm. She welcomed staff and guests to the meeting and asked them to introduce themselves.

Item 2, being

APPROVAL OF THE CITIZENS PUBLIC SAFETY OVERSIGHT COMMITTEE MINUTES OF SEPTEMBER 8, 2022.

There were no minutes to approve from the September 8 meeting as it was cancelled for a lack of a quorum. Chair Price stated that the minutes from the August 11, 2022 meeting should have been included in this packet since they could not be approved at the canceled September 8 meeting. She

requested that they be included in the November meeting packet to be approved with the minutes from the current meeting. No other action taken.

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ITEM 3, being:

MONTHLY UPDATES

Finance Report

Jacob Huckabaa gave the update. He stated that year to date revenue is about 7% below the budget target and sales tax is about 4% below target. Spending for all departments have been below budget targets.

Fire Department

Assistant Chief Jason Smith gave the update. We had 16 recruits graduate from the Academy. Our new fire engine is expected to be delivered next spring and a brush unit should be delivered in December.

Police Department and Dispatch

Major Barbour gave the update. The Citizen's Police Academy is about halfway complete. SRO statistics for the 21-22 school year consisted of 3 physical arrests with 2 of those being unrelated to the school or students; 32 non-custodial charges where they were able to stabilize the situation; 15 citations were issued stemming from 3 separate incidents; 6 protective custodies of children related to child welfare; 53 protective custodies related to crisis intervention. School threats have increased in frequency over the last few years. Dispatch has 4 vacancies currently with 3 applicants in training and 1 applicant in the background check phase. We are currently down 26 commissioned officers. We have 5 recruits in the Academy currently and 4 officers are in field training. 12 applicants are starting the background check phase for the January Academy and there will be another Academy in June. There are also 4 lateral candidates from other agencies. There was an incident this month where an individual had barricaded themselves in a home and fired several rounds at officers over a 12 hour period. Cleveland County and the Moore Police Department assisted with a Bearcat and no officers were hit by gunfire.

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ITEM 4, being

UPDATE ON EMERGENCY OPERATIONS CENTER (EOC) PROJECT

Major Barbour gave the update. He stated that the last few weeks have consisted of extensive value engineering, but the square footage of the facility has been maintained and the full building will still be hardened. Final construction documents are expected mid-November and we will go

to bid by the end of November. We hope to receive the bids by Christmas. The ground breaking has been scheduled for January 19 at 2:00 p.m.

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Item 5, being

ESTABLISH AGENDA TOPICS FOR THE NOVEMBER 10, 2022 MEETING

Member Hurley requested an agenda item to discuss a recommendation to Council in support of using Seizure funds to purchase a Bearcat. All Committee Members agree and would like the Police Department to present some data on Bearcats and the Seizure fund.

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Item 6, being

MISCELLANEOUS COMMENTS

Member Gallagher thanked Member Hurley for making this agenda item suggestion. Chair Price told the Police Department well done in the way they handled the barricade incident.

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Item 7, being

ADJOURNMENT

Adjourned at 5:10 pm

CITIZENS PUBLIC SAFETY OVERSIGHT COMMITTEE MINUTES
November 10, 2022

The Citizens Public Safety Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 4 p.m. via 201 W. Gray St. City Council Chambers, on the 10th day of November 2022, and notice and agenda of the meeting were posted at City Hall located at 201 W. Gray Street 24 hours prior to the beginning of the meeting.

PRESENT: Chair Linda Price, Members Ann Gallagher, Mike Rainer, Kenny Orr, Kyle Hurley, Russell Rice, Mark Emerson, and Greg Gilkey

ABSENT: Member Lea Greenleaf

COMMITTEE LIAISONS: FOP (position vacant)
OU (position vacant)
IAFF (position vacant)

STAFF PRESENT: Kim Coffman, Budget Manager
Jacob Huckabaa, Budget Technician
Major Barbour, NPD
Chief Travis King, NFD
Joel Goldstein, 911 Communications

CITIZENS PRESENT: Bill Scanlon

Item 1, being

CALL TO ORDER

Chair Price called the meeting to order at 4 pm. She welcomed staff and guests to the meeting and asked them to introduce themselves.

Item 2, being

APPROVAL OF THE CITIZENS PUBLIC SAFETY OVERSIGHT COMMITTEE MINUTES OF AUGUST 11 AND OCTOBER 13, 2022.

Member Gallagher made a motion to approve the Citizens Public Safety Oversight Committee minutes of the August 11, and October 13, 2022 meetings, which motion was duly seconded by

Member Rice; and the question being to approve the Citizens Public Safety Oversight Committee minutes of August 11 and October 13, 2022, a vote was taken with the following result:

YEAS: Chair Linda Price, Members Ann Gallagher, Mike Rainer, Kenny Orr, Kyle Hurley, Russell Rice, Mark Emerson, and Greg Gilkey

NAYES: none

Chair Price declared the motion carried and the Citizens Public Safety Oversight Committee minutes of August 11 and October 13, 2022 approved.

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ITEM 3, being:

MONTHLY UPDATES- Finance and Budget

Kim Coffman gave the report. She stated that sales taxes are about 2% below the budget target year to date and overall Public Safety Sales Tax revenues are about 2% below the budget target year to date. Police and Fire have been spending conservatively and expenditures are below the budget target.

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ITEM 4, being:

MONTHLY UPDATES- Fire Department

Chief King gave the update. The budget process for next fiscal year is about to begin and a mid mount aerial ladder platform apparatus will be requested for next fiscal year. This will be the final apparatus replacement in the Public Safety Sales Tax apparatus replacement program.

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ITEM 5, being:

MONTHLY UPDATES- Police Department and Dispatch

Major Barbour gave the update on COP statistics and current police vacancies. He said he's been transferred to a different division and Major Vincent will be taking over Community and Staff Services and reporting to the Committee starting in December. Joel Goldstein gave the update on Dispatch vacancies and the status of the current hiring process.

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ITEM 6, being

UPDATE ON EMERGENCY OPERATIONS CENTER (EOC) PROJECT

Major Barbour gave the update. He stated that the construction drawings are 90% complete and the ground breaking has been scheduled for January 19 at 2:00 p.m.

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Item 7, being

DISCUSSION AND POSSIBLE ACTION ON 2023 SCHEDULE OF MEETINGS

Member Gallagher made a motion to approve the Citizens Public Safety Oversight Committee 2023 Schedule of Meetings as presented, which motion was duly seconded by Member Rice; and the question being to approve the Citizens Public Safety Oversight Committee 2023 Schedule of Meetings, a vote was taken with the following result:

YEAS: Chair Linda Price, Members Ann Gallagher, Mike Rainer, Kenny Orr, Kyle Hurley, Russell Rice, Mark Emerson, and Greg Gilkey

NAYES: none

Chair Price declared the motion carried and the Citizens Public Safety Oversight Committee 2023 Schedule of Meetings approved.

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Item 8, being

DISCUSSION AND POSSIBLE ACTION ON ANNUAL REPORT FOR FYE 2022

Kim Coffman presented the FYE 2022 Citizens Public Safety Oversight Committee Annual Report and requested feedback from the Committee. The Committee requested that the first bullet under the Looking Forward section of the Executive Summary be removed and a bullet be added to that section listing the Mid Mount Aerial Ladder Platform apparatus that will be requested for FYE 24.

Member Hurley made a motion to approve the FYE 2022 Citizens Public Safety Oversight Committee Annual Report as amended, which motion was duly seconded by Member Rice; and the question being to approve the FYE 2022 Citizens Public Safety Oversight Committee Annual Report, a vote was taken with the following result:

YEAS:

Chair Linda Price, Members Ann
Gallagher, Mike Rainer, Kenny Orr,
Kyle Hurley, Russell Rice, Mark
Emerson, and Greg Gilkey

NAYES:

none

Chair Price declared the motion carried and the FYE 2022 Citizens Public Safety Oversight Committee Annual Report approved.

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Item 9, being

ESTABLISH AGENDA TOPICS FOR THE DECEMBER 8, 2022 MEETING

No additional items were suggested by the Committee.

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Item 10, being

MISCELLANEOUS COMMENTS

None

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Item 11, being

ADJOURNMENT

Adjourned at 4:54 pm

CITIZENS PUBLIC SAFETY OVERSIGHT COMMITTEE MINUTES
December 8, 2022

The Citizens Public Safety Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 4 p.m. via 201 W. Gray St. City Council Chambers, on the 8th day of December 2022, and notice and agenda of the meeting were posted at City Hall located at 201 W. Gray Street 24 hours prior to the beginning of the meeting.

PRESENT: Chair Linda Price, Members Ann Gallagher, Lea Greenleaf, Kenny Orr, Kyle Hurley, Mark Emerson, and Greg Gilkey

ABSENT: Members Russell Rice and Mike Rainer

COMMITTEE LIAISONS: FOP (position vacant)
OU (position vacant)
IAFF (position vacant)

STAFF PRESENT: Kim Coffman, Budget Manager
Jacob Huckabaa, Budget Technician
Major Barbour, NPD
Captain Hopcus, NPD
Chief Travis King, NFD
Russell Anderson, Communication Systems Manager

CITIZENS PRESENT: Bill Scanlon

ITEM A, BEING:

CALL TO ORDER

Chair Price called the meeting to order at 3:58 pm. She welcomed staff and guests to the meeting and asked them to introduce themselves.

ITEM B, BEING:

APPROVAL OF THE CITIZENS PUBLIC SAFETY OVERSIGHT COMMITTEE MINUTES OF NOVEMBER 10, 2022

Member Emerson made a motion to approve the Citizens Public Safety Oversight Committee minutes of the November 10, 2022 meeting, which motion was duly seconded by Member Orr; and the question being to approve the Citizens Public Safety Oversight Committee minutes of November 10, 2022, a vote was taken with the following result:

YEAS: Chair Linda Price, Members Ann Gallagher, Lea Greenleaf, Kenny Orr, Kyle Hurley, Mark Emerson, and Greg Gilkey

NAYES: none

Chair Price declared the motion carried and the Citizens Public Safety Oversight Committee minutes of November 10, 2022 approved.

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ITEM C, BEING:

MONTHLY UPDATES- Finance and Budget

Kim Coffman gave the report. She stated that year to date revenues and expenditures are right on target. There were no major or unusual purchases for the month of November. The FYE 24 Budget Kickoff took place on December 2nd and all of the departments are putting their budget requests together for next fiscal year.

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ITEM D, BEING:

MONTHLY UPDATES- Fire Department

Chief King gave the update. They are working on the purchase contract with Norman's Legal department and Sutfin for the new Aerial Ladder Platform and they hope to finish quickly to avoid price increases.

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ITEM E, BEING:

MONTHLY UPDATES- Police Department and Dispatch

Major Barbour gave the update on COP statistics and stated weekly reports are now being published on their website. He said they are working on budget requests for next fiscal year which include the 4 remaining SRO officers and the 2 remaining dispatch positions in the PSST staffing

plan. There is a lot of activity currently in Community Outreach and COP with the holidays coming up. They operate multiple donation/service programs for the community. 19 graduated from the Citizen's Police Academy 2 weeks ago. There will be another academy in 2023 but they are not sure when yet. The Citizen's Advisory Board is working on re-building and applicants will be contacted next week. Call volume has been extremely busy lately and the 2 main sources are drug related events and vehicle collisions. Staffing-wise, there are 28 commissioned vacancies currently. There are 5 officers in the academy that will graduate in February, and 4 officers from the previous academy are starting to come out of field training. 2 academies will begin in January – one will be for lateral transfers from other agencies and the other will be a regular academy for new officers. There will be another academy in June and they hope to significantly reduce those vacancies. There are 9 non-commissioned vacancies currently, largely in the dispatch division. 2 of those are new Animal Welfare positions that they're working to fill. Dispatch has 1 applicant in the academy, 1 in training, and 2 applicants in the background check process. There will be another hiring process at the beginning of the new year.

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ITEM F, BEING:

UPDATE ON EMERGENCY OPERATIONS CENTER (EOC) PROJECT

Major Barbour gave the update. He stated that the design phase is complete and the bid packages are out and will be opened on December 20th. The contract will go to Council on January 10 and the estimated total completion date is June 3, 2024. The ground breaking will be on site and has been scheduled for January 19 at 2:00 p.m. with a contingency date of January 26. They are working on grant funding for a 2nd generator and they would like to add a storage barn depending on how the bids come in.

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ITEM G, BEING:

ESTABLISH AGENDA TOPICS FOR THE JANUARY 12, 2023 MEETING

No additional items were suggested by the Committee.

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ITEM H, BEING:

MISCELLANEOUS COMMENTS

Kim Coffman mentioned that the new Development Center will be completed by the beginning of January and various departments will be moving to the new building.

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ITEM I, BEING:

ADJOURNMENT

Adjourned at 4:54 pm

CITIZENS PUBLIC SAFETY OVERSIGHT COMMITTEE MINUTES
January 12, 2023

The Citizens Public Safety Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 4 p.m. via 201 W. Gray St. City Council Chambers, on the 12th day of January, 2023, and notice and agenda of the meeting were posted at City Hall located at 201 W. Gray Street 24 hours prior to the beginning of the meeting.

PRESENT: Chair Linda Price, Members Ann Gallagher, Lea Greenleaf, Kyle Hurley, Mark Emerson, Russell Rice, Mike Rainer and Greg Gilkey

ABSENT: Member Kenny Orr

COMMITTEE LIAISONS: FOP (position vacant)
OU (position vacant)
IAFF (position vacant)

STAFF PRESENT: Kim Coffman, Budget Manager
Dannielle Risenhoover, Administrative Technician IV
Major Barbour, NPD
Captain Hopcus, NPD
Chief Travis King, NFD
David Grissam, Communication Systems Supervisor

CITIZENS PRESENT: Bill Scanlon

ITEM A, BEING:

CALL TO ORDER

Chair Price called the meeting to order at 4:00pm. She welcomed staff and guests to the meeting and asked them to introduce themselves.

ITEM B, BEING:

APPROVAL OF THE CITIZENS PUBLIC SAFETY OVERSIGHT COMMITTEE MINUTES OF DECEMBER 8, 2022

Member Greenleaf made a motion to approve the Citizens Public Safety Oversight Committee minutes of the December 8, 2022 meeting, which motion was duly seconded by Member Emerson; and the question being to approve the Citizens Public Safety Oversight Committee minutes of December 8, 2022, a vote was taken with the following result:

YEAS: Chair Linda Price, Members Ann Gallagher, Lea Greenleaf, Kyle Hurley, Mark Emerson, Russell Rice, Mike Rainer, and Greg Gilkey

NAYES: none

Chair Price declared the motion carried and the Citizens Public Safety Oversight Committee minutes of December 8, 2022 approved.

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ITEM C, BEING:

MONTHLY UPDATES- Finance and Budget

Kim Coffman gave the report. She stated that revenue is about 3% behind the year-to-date budget target due to reduced sales tax receipts. Expenditures have been conservative and are below the budget target. There were no major or unusual purchases for the month of December, 2022.

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ITEM D, BEING:

MONTHLY UPDATES- Fire Department

Chief King gave the update. The brush pumper that was purchased in FYE 22 should be in service by the end of January. The brush pumper will dispatch out of station 5 and be utilized to run medical calls, brush fires and structural fires. Chief King stated that brush pumpers decrease emergency response times and reduces wear on more expensive apparatuses.

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ITEM E, BEING:

MONTHLY UPDATES- Police Department and Dispatch

Major Barbour gave the update. The department is working on budget requests for next fiscal year which include the following requests coming through PSST: 4 remaining School Resource Officer (SRO) positions, 2 remaining dispatch positions, and vehicles for the SROs. There will be another

Citizens Police Academy in 2023 but the dates have not been determined. On February 10, the department will rotate bureaus and staff. At that time, the PSST will fall under Major Vincent and Captain Hopcus.

There are currently 29 commissioned vacancies within the Norman Police Department (NPD). The department is currently holding 3 academies during this time. Four officers that are enrolled in NPD's traditional academy will graduate in February, three officers in NPD's lateral academy should graduate in approximately 5 weeks, and six others are in a modified academy. No date was given on their graduation date. Applications for NPD's June academy have almost doubled. These applicants have passed their background checks, submitted all required paperwork and are scheduled to test. Statistically, the department could end up with 10-15 employable officers for their June academy, which will graduate around December.

Major Barbour states that there is a bidding war between cities for police officers, as they are hard to find across the nation. NPD's pay increase last year made NPD's salaries very competitive; however, Oklahoma City just approved a significant pay increase for their officers. According to Major Barbour, "Where that harms us (NPD), in competitiveness, is there are agencies who tie their (police officer) contracts to Oklahoma City's baseline (pay), so what Oklahoma City gets this year, Moore, for example, gets automatically next year – it's not negotiated. It's a bidding war right now."

There are currently 9 non-commissioned vacancies within NPD. Positions include: one part-time parking services position, one records position, one victims advocate position, and one Animal Welfare position.

David Grissam, Communications Systems Supervisor, gave the update. After January 20th, the communications center will be down 3 people. Twenty applicants have confirmed their attendance for a hiring seminar. Interviews are scheduled for February 3 with a tentative hire date of March 24.

The citizens' Advisory Board is fully staffed and will be meeting this month.

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ITEM F, BEING:

UPDATE ON EMERGENCY OPERATIONS CENTER (EOC) PROJECT

Major Barbour gave the update. He stated that the design phase is complete and submitted. On January 17th Crossland Construction Company will review the construction bids and a construction contract is anticipated to go before Council the first week in February. The ground breaking will be on site and has been scheduled for January 19 at 2:00 p.m. with a contingency date of January 26.

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ITEM G, BEING:

ESTABLISH AGENDA TOPICS FOR THE FEBRUARY 9, 2023 MEETING

No additional items were suggested by the Committee.

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ITEM H, BEING:

MISCELLANEOUS COMMENTS

Member Greenleaf commented that he was glad to see the EOC finally coming to fruition. Committee Chair Price encouraged everyone to come to the EOC ground breaking ceremony on January 19 and complimented the department on all the hard work they have done in getting the EOC off the ground.

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ITEM I, BEING:

ADJOURNMENT

Adjourned at 4:51 pm



**CITY OF NORMAN, OK
PUBLIC SAFETY OVERSIGHT COMMITTEE MEETING**
Development Center, 225 N. Webster Ave., Norman, OK 73069
Thursday, February 9, 2023 at 4:00 PM

CITIZENS PUBLIC SAFETY OVERSIGHT COMMITTEE MINUTES

February 9, 2023

The Citizens Public Safety Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 4 p.m. via 225 N. Webster Ave, Room B, Norman, OK, on the 9th day of February, 2023, and notice and agenda of the meeting were posted 24 hours prior to the beginning of the meeting.

PRESENT: Chair Linda Price, Members Ann Gallagher, Kyle Hurley, Mark Emerson, Russell Rice, Mike Rainer and Greg Gilkey

ABSENT: Members Kenny Orr, Lea Greenleaf

COMMITTEE LIAISONS: FOP (position vacant)
OU (position vacant)
IAFF (position vacant)

STAFF PRESENT: Kim Coffman, Budget Manager
Jacob Huckabaa, Budget Technician
Dannielle Risenhoover, Administrative Tech. IV
Major Barbour, NPD
Captain Hopcus, NPD
Chief Travis King, NFD
Russell Anderson, Communication Systems Manager

CITIZENS PRESENT: Bill Scanlon

ITEM A, BEING:

CALL TO ORDER

Chair Price called the meeting to order at 4:00pm. She welcomed staff and guests to the meeting.

ITEM B, BEING:

APPROVAL OF THE CITIZENS PUBLIC SAFETY OVERSIGHT COMMITTEE MINUTES OF JANUARY 12, 2023

Member Rice made a motion to approve the Citizens Public Safety Oversight Committee minutes of the January 12, 2023 meeting, which motion was duly seconded by Member Gallagher; and the question being to approve the Citizens Public Safety Oversight Committee minutes of January 12, 2023, a vote was taken with the following result:

YEAS: Chair Linda Price, Members Ann Gallagher, Kyle Hurley, Mark Emerson, Russell Rice, Mike Rainer, and Greg Gilkey

NAYES: none

Chair Price declared the motion carried and the Citizens Public Safety Oversight Committee minutes of January 12, 2023 approved.

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ITEM C, BEING:

MONTHLY UPDATES- Finance and Budget

Kim Coffman gave the report. She stated that revenues are about 1% below target, mainly due to the slower than anticipated sales tax revenue. Coffman noted that, "There are 5 months left in the Fiscal Year to make that up." The second quarter reimbursement from Norman Public Schools (NPS) was received. Coffman states that the City is still spending conservatively, with no major purchases.

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ITEM D, BEING:

MONTHLY UPDATES- Fire Department

Chief King gave the update. The brush pumper that was purchased in FYE 22 is now in service at station 5. The mid-mount aerial is up for approval. If approved, the aerial will be ordered in July and probably take 2-3 years to manufacture it

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ITEM E, BEING:

MONTHLY UPDATES- Police Department and Dispatch

Major Barbour gave the update. The Norman Police Department (NPD) will be participating in a Polar Plunge fundraising event on February 18th, 2023, to benefit Oklahoma Special Olympics.

The 61st Norman Police Academy graduated on February 9th, 2023. Three cadets graduated, leaving the department with 29 commissioned vacancies. The department currently has two cadets in their lateral academy and 7 cadets in their traditional academy. It is expected that all 9 cadets will graduate by May.

Applications for NPD’s June 2023 academy have closed and have yielded 34 candidates that will be interviewed the week of February 20th. These candidates have submitted all required paperwork, passed their written tests, and passed their physical testing. Per Major Barbour, “statistically, the department could end up with 10-15 employable officers,” after the interview process and background checks occur. Those who complete the June academy will graduate around December. June academy applicants who were delayed in submitting their application paperwork, and those who did not pass their written and/or physical tests for employment, will be offered another testing opportunity in March 2023. The individuals from this group, who make it through the hiring process, will participate in the August police academy.

Major Barbour presented NPS’s updated mission, vision, values statements. They are as follows: **Vision** – To be a driving force in public safety by setting the standard for our community, state, and nation. **Mission** – Passionately serving our community through education, innovation, enforcement, and excellence in everything we do. **Values** – *Courage*: We will stand in the gap between our community and those who would cause harm. *Compassion*: We will honor the dignity of all people and remain focused on selfless service to those in need. *Collaboration*: We will work in partnership with stakeholders, other agencies, and within our department to strengthen our city. *Commitment*: We will remain dedicated to our duty to provide professional policing in an ethical manner that brings pride and honor to our department and our community. Norman Police Department will be focused on three main goals this year. The first goal is to see a 2% reduction in “part A crimes”. These crimes include the majority of the crimes involving criminal activity such as crimes that hurt people, arson, burglaries, larcenies, etc. The second goal is to see a significant decrease in the amount of critical injury and fatality collisions across the City. The third goal is to improve customer service. Every division of NPD has been tasked to report on how they are working to make customer service improvements.

Russell Anderson, Communication Systems Manager, gave the update. The communications center lacks 3 employees. City of Norman Human Resource Director and Norman Chief of Police have agreed to revise the hiring process for dispatchers. These changes will take the hiring process from 6 months down to approximately 1 month for applicants. A budget request has been made that allows for the hiring of: 2 Public Safety Sales Tax (PSST) positions, 4 Communication Officer I’s, 1 Supervisor, 1 Radio Technician, and 1 Administrative Technician. Approval for these positions is pending.

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ITEM F, BEING:

UPDATE ON EMERGENCY OPERATIONS CENTER (ECOC) PROJECT

Major Barbour gave the update. Bids for construction of the Emergency Communications Operations Center (ECOC) were accepted through December and reviewed in January. Barbour states, “Bids were a little higher than they wanted them to be, but considering the market, the bids are a lot closer than they could have been.” The City is working on securing approximately \$700,000 in additional funding. It is anticipated that the general contracting processes and allocation of the additional funding will be approved at the February 14, 2023 Council meeting. The ECOC is a 19,800 square foot building that is specked for 1 generator with plans for a second generator to be built in at a later date. A separated budget request will follow the initial construction of the ECOC that will allow for a 5-bay barn to be built. This barn will offer additional work space and house items like the Bear Cat.

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ITEM G, BEING:

ESTABLISH AGENDA TOPICS FOR THE FEBRUARY 9, 2023 MEETING

No additional items were suggested by the Committee.

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ITEM H, BEING:

MISCELLANEOUS COMMENTS

Member Rice mentioned that Red Dirt Collective is hosting their quarterly, mutual aid fair at Irving Recreation Center on Saturday, February 11 from Noon – 3:00. Over 25 vendors will be present and all of their products and services are free, this includes such things as: food, clothing, and haircuts.

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ITEM I, BEING:

ADJOURNMENT

The meeting adjourned at 4:40 pm.


Linda Price, Chair
Citizens Public Safety Oversight Committee



**CITY OF NORMAN, OK
PUBLIC SAFETY OVERSIGHT COMMITTEE MEETING**
Development Center, 225 N. Webster Ave., Norman, OK 73069
Thursday, March 9, 2023 at 4:00 PM

CITIZENS PUBLIC SAFETY OVERSIGHT COMMITTEE MINUTES

March 9, 2023

The Citizens Public Safety Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 4 p.m. via 225 N. Webster Ave, Room B, Norman, OK, on the 9th day of March, 2023, and notice and agenda of the meeting were posted 24 hours prior to the beginning of the meeting.

PRESENT: Chair Linda Price, Members Ann Gallagher, Lea Greenleaf, Kyle Hurley, Mark Emerson, Greg Gilkey and Kenny Orr

ABSENT: Members Russell Rice and Mike Rainer

COMMITTEE LIAISONS: FOP (position vacant)
OU (position vacant)
IAFF (position vacant)

STAFF PRESENT: Kim Coffman, Budget Manager
Jacob Huckabaa, Budget Technician
Dannielle Risenhoover, Administrative Tech. IV
Major Barbour, NPD
Captain Hopcus, NPD
Russell Anderson, Communication Systems Manager

CITIZENS PRESENT:

ITEM A, BEING:

CALL TO ORDER

Chair Price called the meeting to order at 4:00pm. She welcomed members and staff to the meeting.

ITEM B, BEING:

APPROVAL OF THE CITIZENS PUBLIC SAFETY OVERSIGHT COMMITTEE MINUTES OF February 9, 2023

Member Hurley made a motion to approve the Citizens Public Safety Oversight Committee minutes of the February 9, 2023 meeting, which motion was duly seconded by Member Gallagher; and the question being to approve the Citizens Public Safety Oversight Committee minutes of February 9, 2023, a vote was taken with the following result:

YEAS: Chair Linda Price, Members Ann Gallagher, Lea Greenleaf, Kyle Hurley, Mark Emerson, Greg Gilkey, and Kenney Orr

NAYES: None

Chair Price declared the motion carried and the Citizens Public Safety Oversight Committee minutes of February 9, 2023 approved.

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ITEM C, BEING:

MONTHLY UPDATES- Finance and Budget

Kim Coffman gave the report. She stated that the City is holding strong to their revenue projections for FYE 23 and all departments are below their targeted expenditure budget. The only capitol purchases in February were equipment purchased for police patrol unit #1115, parts purchased for fire department apparatus #52, fire department protective clothing, and an \$8000 payment to Crossland Construction for construction of the Emergency Communications Operations Center (ECOC). The City is still waiting on the 3rd quarter School Resource Officer reimbursement from Norman Public School District.

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ITEM D, BEING:

MONTHLY UPDATES- Fire Department

None.

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ITEM E, BEING:

MONTHLY UPDATES- Police Department and Dispatch

Major Brent Barbour gave the report. The Norman Police Department (NPD) recently completed a software upgrade that is reported to have gone well. NPD continues to work thru the budget process for FYE 24. The February 26, 2023 Norman tornado response required a significant amount of NPD manpower that resulted in overtime for police officers. The overtime costs will be reflected on the City's

March payroll. Barbour states that spring is always busy and April brings a lot of outreach opportunities for NPD. Some of the events that NPD is preparing for are the Crime Stoppers Banquet on April 7, the Norman Music Festival, the Medieval Fair, and the OU football Spring game.

Major Chad Vincent and Major Barbour were selected to attend the 10 week, Federal Bureau of Investigation (FBI) National Academy. Three NPD officers, in the last 3 years, have been selected to attend. Barbour states, "This is remarkable and reflects NPD's effort to make sure their officers are developing and growing." Major Vincent will also be attending a leadership conference this year.

Two cadets graduated from NPD's lateral academy, leaving the department with 27 commissioned vacancies. The department currently has 7 cadets in a traditional academy. It is expected that these 7 cadets should graduate in June. The 64th NPD Academy has 19 applicants that are currently going through the background check process. The 64th Academy will start in June. There are approximately 35 applicants in testing for the August academy. Barbour is hopeful that by March 2024, NPD will be back to a normal attrition rate. Currently, several officers have been pulled from their designated divisions to make the patrol division operational.

Russell Anderson, Communication Systems Manager, gave the report. The communications department has 2 applicants that have passed their background checks. If they pass their polygraph testing, they could have an employee start date of March 31. If these applicants are hired, the communications department would be down 1 position.

Anderson and several City of Norman employees will be meeting with the City of Moore's Fire Chief and Police Chief to discuss City of Norman's radio system. For officer safety reasons, City of Moore will be making a decision to join Norman's radio system or Oklahoma City's radio system. Discussion will be had about City of Moore also using Norman's CAD system as well. City of Norman and City of Moore are working on a combined SWAT team. Anderson is working creating an appropriate communications system between the two cities. Several Cleveland County Sheriff's Department radios have been identified as working well on Norman's communication system, yet more progress is being sought to secure greater interoperability.

The mobile command center will be sent off for a "substantial technology refresh" after the Medieval Fair which will be held March 31-April 2. For Music Fest, NPD will be dispatching out of their bomb trailer.

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ITEM F, BEING:

UPDATE ON EMERGENCY OPERATIONS CENTER (ECOC) PROJECT

Major Barbour gave the update. Construction contracts are signed and in place for the Emergency Communications Operations Center (ECOC) building and the occupancy date is currently July 2024.

The ECOC is an approximately 19,800 square foot building that is specked for 1 generator with plans for a second generator to be built in at a later date. This building will be rated for category 5 wind speeds and will be used as a safe refuge for the City's utility and water treatment employees during severe weather. A separated budget request or applications for grants will follow the initial construction of the ECOC to allow for a 5-bay barn to be built.

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ITEM G, BEING:

ESTABLISH AGENDA TOPICS FOR THE FEBRUARY 9, 2023 MEETING

No additional items were suggested by the Committee.

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ITEM H, BEING:

MISCELLANEOUS COMMENTS

Member Greenleaf commented on the February 26, Norman tornado. Greenleaf stated that the firefighters did an “extraordinary job” and encouraged everyone to purchase a weather radio.

Chair Price questioned who determined street closures during events like the February 26 tornado. Major Barbour replied, stating that road closures are commonly determined by what power lines need repaired. Price also questioned who was responsible for cleaning up miscellaneous storm debris. Major Barbour referred Chair Price to the Norman Action Center for clarification and specifics regarding her question.

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ITEM I, BEING:

ADJOURNMENT

The meeting adjourned at 4:35 pm.



Linda Price, Chair
Citizens Public Safety Oversight Committee



CITY OF NORMAN, OK
PUBLIC SAFETY OVERSIGHT COMMITTEE
Development Center, Room B, 225 N. Webster, Norman, OK 73069
Thursday, April 13, 2023 at 4:00 PM

MINUTES

It is the policy of the City of Norman that no person or groups of persons shall on the grounds of race, color, religion, ancestry, national origin, age, place of birth, sex, sexual orientation, gender identity or expression, familial status, marital status, including marriage to a person of the same sex, disability, retaliation, or genetic information, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination in employment activities or in all programs, services, or activities administered by the City, its recipients, sub-recipients, and contractors. In the event of any comments, complaints, modifications, accommodations, alternative formats, and auxiliary aids and services regarding accessibility or inclusion, please contact the ADA Technician at 405-366-5424, Relay Service: 711. To better serve you, five (5) business days' advance notice is preferred.

ROLL CALL

PRESENT:

- Chairman Linda Price
- Committee member Gregory Gilkey
- Committee member Kenny Orr
- Committee member Kyle Hurley
- Committee member Lea Greenleaf
- Committee member Mark Emerson
- Committee member Mike Rainer
- Committee member Russell Rice

ABSENT:

- Committee member Ann Gallagher

OTHERS:

- Kim Coffman, Budget Manager
- Dannielle Risenhoover, Admin. Tech IV
- Jacob Huckabaa, Budget Technician
- Major Brent Barbour, NPD
- Major Chad Vincent, NPD
- Russell Anderson, Communications Systems Manager
- Chief Travis King, NFD
- Bill Scanlon, Citizen

Chair Price called the meeting to order at approximately 4:00 PM. She welcomed staff and guests to the meeting.

MINUTES

Item 12.

1. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE MARCH 9, 2023, PUBLIC SAFETY OVERSIGHT COMMITTEE MEETING MINUTES.

Member Rice made a motion to approve the March 9, 2023 Citizens Public Safety Oversight Committee minutes which was duly seconded by Member Greenleaf. The motion passed unanimously.

Items submitted for the record:

Citizens Public Safety Oversight Committee Minutes from March 9, 2023

REPORTS

2. FINANCE AND BUDGET REPORTS

Kim Coffman gave the report. Coffman stated that the revenues are less than 1% below the budgeted target amount. Coffman stated that, "We are about 2% over the budget target, City wide, for sales tax. April came in really well; it was about 6.5% above last April, so by next month hopefully Public Safety Sales Tax will catch up." Expenditures are below the budgeted target amount. There were two payrolls in March with no major purchases.

Two major invoices were paid out of the Emergency Communications Operations Center (ECOC) budget for construction of the ECOC. The invoices paid were to Crossland Construction Company and ADG.

Approximately \$13,000 in capital outlay was paid from the Fire Department's budget. This was for the purchase of radios for a new apparatus, helmets and bunker gear. There was a large parts invoice that was paid out of the Emergency Vehicle Technician (EVT) division.

The City Manager, in his proposed budget, has approved two new Communications Officer II positions that would be paid from the Public Safety Sales Tax Fund. These positions would come available July 1, 2023. No additional personnel was approved for the police department or fire department in the recently proposed, FYE 24 budget. The Public Safety Sales Tax Fund also received the approval for the following: replacement of three Police Department patrol units; a vehicle lift for EVT; computer monitors and keyboard mouse combinations for School Resource Officers; a traffic emitter test unit and installation for EVT; and a combination rescue tool and telescopic RAM battery bay charger for Fire Suppression.

Items submitted for the record:

Finance and Budget Reports

DISCUSSION ITEMS

3. MONTHLY UPDATES - FIRE DEPARTMENT

Fire Chief Travis King gave the report. He stated that the Norman Fire Department (NFD) is expecting the delivery of two brush pumpers. One is expected by Fall 2023 and the department is hopeful to have the second brush pumper by Spring 2024. King states, "One unfortunate thing that was apparently not approved in this year's budget is the aerial apparatus that I've told you

all about. We got these two pumpers and that was contingent on getting this aerial apparatus. King also stated, "I had a meeting with finance and the City Manager and I was told we would get that (aerial apparatus), apparently we are not getting that (aerial apparatus) so I am very concerned about that. That will have a negative impact both operationally and in our next Insurance Service Offices (ISO) process. As you recall, this was the apparatus that I briefed you all on. I almost got a contract signed; we had a deal on that before a price increase and was not able to get that through Legal. It's the last year of the program, it was mandated by the voters - we're supposed to get some apparatus, but apparently we are not getting approved for this apparatus."

Kim Coffman stated, "My understanding is that the apparatus that was requested was about \$1 million over the \$6.8 million allotment for the apparatus program; so, the City Manager did not include that in the proposed budget, but he said they would entertain an amendment to go directly to Council if Council wants to approve additional funds to go towards this (aerial apparatus)."

King replied by saying, "What's unique about that is I've talked to Legal about that through the years and those apparatus and those totals were based on 2015 prices, so those have been adjusted every year and the fire chief has the latitude to change what was originally voted on by the voters. I suppose we surpassed the \$6 million mark a long time ago, but again, we really need this apparatus and it's unfortunate that's not approved."

Member Greenleaf made a motion that the Public Safety Oversight Committee send a letter to Council asking Council to explore any and all avenues of funding, including a bond issue if necessary, to include the purchase of a 100 foot aerial apparatus in the City budget because of its need in the community. The motion was duly seconded by Member Emerson. The motion carried unanimously.

4. MONTHLY UPDATES - POLICE AND DISPATCH

Major Brent Barbour gave the update. He notified the committee about the following upcoming events: Public Safety Day/Shred-a-thon is April 22nd as well as the J.D. McCarty outreach event and University of Oklahoma Spring Game. In September, Norman Police Department (NPD) will participate in the annual softball tournament that benefits the Mary Abbott House and October 2nd is Norman's National Night Out.

Barbour acknowledged the City Manager's approval for the hiring of two additional dispatchers in the FYE 24 budget. He said, "We (NPD) have been really busy and have some really big "events". Over and over again we see the dynamics. These positions are super critical to us. It's not a PSST thing, but we need more (dispatchers). We are routinely running four people down there. Four people doesn't work, it gets super dangerous and super overwhelming. As we grow, we keep seeing those issues." Barbour says that hiring requests for dispatchers will keep coming in because that department hasn't kept up with the growth of Norman.

For FYE 24, NPD requested funds and the development of a 5 person team that could respond to calls that don't require commissioned officers. This budget request was denied.

The patrol cars that were ordered in July 2021 were recently received and are on the streets. The patrol cars ordered in July 2022 have not been received and their expected date of arrival is unknown at this time.

Barbour states that NPD has made great strides fulfilling non-commissioned staffing positions. One of the things that isn't approved in the FYE 24 budget, that Barbour says will impact police services, is a Redaction Clerk. Barbour says that NPD will adjust their records department to compensate for this unfilled need. The Police Academies are "still looking really strong" and Barbour feels like by April of 2024, staffing should be "mostly caught up".

There have been some significant calls ran by NPD recently. One of them being a Special Weapons and Tactics (SWAT) activated call on Iowa Street. Norman Police Department gained entry to a home and found multiple (mostly stolen and some high powered) rifles, over 1,000 pills of Fentanyl, and multiple pounds of Meth. Barbour voiced congratulations to the NPD operations, tactics, and other teams across the City that put this response together to make it safe. "It was a really, really dynamic, super complex in nature, situation that worked really, really well and ended peacefully. Everything worked as well as it possible could have," Barbour said. One individual has been taken into custody. Barbour expects this incident to become a federal case.

The active shooter call at the University of Oklahoma was also a significant call. From an initial response perspective Barbour stated, "We're estimating 12-18 officers were in the building within 3 to 4 minutes, which is exactly what we want. The initial threat, had there been one, would have been taken care of without any question." It is estimated that within 30 minutes, about 200 officers from across the metro responded to this incident. Barbour stated that, "Nobody was hurt. Nobody was ever in danger. It was not a fire cracker or confetti gun. We had multiple phone calls to us (NPD) and OUPD. All the different departments and agencies are working on their own in-house reviews. We will consolidate all of these together with the University next week and that will span all around the state for response planning, making sure we can do this even better next time." This incident is a federal investigation. Barbour pointed out that there were 3 dispatchers and 1 supervisor answering 911 calls when this call came through. "These employees were all tied up with calls before the incident ever hit the radio," Barbour said, "We are getting more and more incidences where 3 and 4 people down there (in dispatch) does not work. Eventually we are going to have failures that aren't acceptable."

Barbour said that there is a lot of organization and planning going on to make the weekend of April 29th a safe weekend. The population of the City of Norman is expected to double on this weekend due to the following events taking place within approximately a 2 mile radius: Norman Music Festival, Fill the Stadium revival concert, 2 proms, State Church Convention, OU softball game, OU baseball game, Lions' Carnival, and Sooner Saturday.

Russell Anderson gave the Dispatch update. The Dispatch Department is down one employee and has one Communications Officer 1 finishing training, two Communications Officer 2's in training, and two individuals in the Dispatch Academy. There will be a meeting between Cleveland County Sherriff's offices and City of Norman Dispatch, next week, to see about Cleveland County Sherriff's Department joining City of Norman's radio system. Anderson says, "It's (joining radio systems) looking like a go and this will be huge for interoperability." Member Greenleaf highlighted the importance of radio systems providing interoperability. He stated that bringing the approximately \$16.5 million, Harris Radio System to City of Norman was, "a long, long project for PSST and one that I think was well worthwhile." This system provides encryption so scanners can't pick up communication and also give other chosen agencies the ability to interconnect with Norman's radio system.

5. MONTHLY UPDATES - EMERGENCY COMMUNICATIONS OPERATIONS CENTER (ECOC) PROJECT

Major Brent Barbour gave the update. Construction crews for the Emergency Communication Operations Center (ECOC) are currently putting in drains at the ECOC building site. They are expected to start drilling piers and pouring concrete next week. Completion of this project is still slated for July of 2024.

6. ESTABLISH TOPICS FOR THE MAY 11, 2023 MEETING

The topics for the May 11, 2023 meeting will remain the same. No additional topic items were suggested by the committee.

7. DISCUSSION OF FUTURE MEETING LOCATION

Kim Coffman discussed the future meeting location for the Public Safety Oversight (PSST) Committee meetings. Due to the remodeling of City of Norman Municipal Building C, City of Norman staff will soon be occupying the PSST Committee’s current meeting space; thus, future PSST meetings will be held at 225 N. Webster Ave., Development Center Room A, Norman, OK.

MISCELLANEOUS COMMENTS

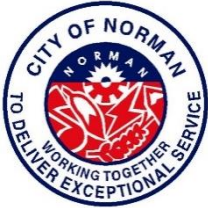
None.

ADJOURNMENT

Member Rice made a motion to adjourn the March 9, 2023 Citizens Public Safety Oversight Committee meeting which was duly seconded by Member Gilkey. The motion passed unanimously. The meeting adjourned at approximately 5:00 PM.



Linda Price, Chair
Citizens Public Safety Oversight Committee



CITY OF NORMAN, OK
PUBLIC SAFETY OVERSIGHT COMMITTEE
Development Center, Room B, 225 N. Webster, Norman, OK 73069
Thursday, May 11, 2023 at 4:00 PM

AGENDA

It is the policy of the City of Norman that no person or groups of persons shall on the grounds of race, color, religion, ancestry, national origin, age, place of birth, sex, sexual orientation, gender identity or expression, familial status, marital status, including marriage to a person of the same sex, disability, retaliation, or genetic information, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination in employment activities or in all programs, services, or activities administered by the City, its recipients, sub-recipients, and contractors. In the event of any comments, complaints, modifications, accommodations, alternative formats, and auxiliary aids and services regarding accessibility or inclusion, please contact the ADA Technician at 405-366-5424, Relay Service: 711. To better serve you, five (5) business days' advance notice is preferred.

CANCELLED DUE TO WEATHER

ROLL CALL

MINUTES

1. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF MINUTES FROM APRIL 13, 2023

REPORTS

2. FINANCE AND BUDGET REPORTS

DISCUSSION ITEMS

3. FIRE DEPARTMENT - MONTHLY UPDATES
4. POLICE AND DISPATCH - MONTHLY UPDATES
5. EMERGENCY COMMUNICATIONS OPERATIONS CENTER (ECOC) PROJECT UPDATES
6. ESTABLISH TOPICS FOR THE JUNE 8, 2023 MEETING

MISCELLANEOUS COMMENTS

ADJOURNMENT



CITY OF NORMAN, OK
PUBLIC SAFETY OVERSIGHT COMMITTEE
Development Center, Room B, 225 N. Webster, Norman, OK 73069
Thursday, June 08, 2023 at 4:00 PM

MINUTES

It is the policy of the City of Norman that no person or groups of persons shall on the grounds of race, color, religion, ancestry, national origin, age, place of birth, sex, sexual orientation, gender identity or expression, familial status, marital status, including marriage to a person of the same sex, disability, retaliation, or genetic information, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination in employment activities or in all programs, services, or activities administered by the City, its recipients, sub-recipients, and contractors. In the event of any comments, complaints, modifications, accommodations, alternative formats, and auxiliary aids and services regarding accessibility or inclusion, please contact the ADA Technician at 405-366-5424, Relay Service: 711. To better serve you, five (5) business days' advance notice is preferred.

ROLL CALL

PRESENT

- Chairman Linda Price
- Committee member Gregory Gilkey
- Committee member Kenny Orr
- Committee member Kyle Hurley
- Committee member Lea Greenleaf
- Committee member Mark Emerson
- Committee member Russell Rice
- Committee member Ann Gallagher

ABSENT

- Committee member Mike Rainer

OTHERS

- Major Brent Barbour, NPD
- Major Chad Vincent, NPD
- Chief Travis King, NFD
- Kim Coffman, Budget Manager
- Jacob Huckabaa, Budget Technician
- Dannielle Risenhoover, Admin. Tech IV
- Andrea Lewis, Communications Supervisor
- Bill Scanlon, Citizen

Chair Price called the meeting to order at approximately 4:00 PM. She welcomed staff and guests to the meeting.

MINUTES

Item 12.

1. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF MINUTES FROM APRIL 13, 2023

Member Rice made a motion to approve the April 13, 2023 Citizens Public Safety Oversight Committee minutes which was duly seconded by Member Emerson. The motion passed unanimously.

Items submitted for the record:

Citizens Public Safety Oversight Committee Minutes from April 13, 2023

REPORTS

2. Finance and Budget Reports

Kim Coffman gave the report. Coffman stated, "Sales Tax is lagging behind the budget target - slightly." It appears that the Sales Tax for June, which is the last month of Fiscal Year 2023 (FYE23), will be low. Coffman does not think that Sales Tax is going to make a comeback and meet the budget target; however, she stated, "Use Tax and interest have been way above the budget target, so they have more than filled that gap that's left behind by Sales Tax. We are going to finish the fiscal year above the budget target for revenue in total, so that's good news."

There have been no major expenditures. There were payments to Crossland Construction Company, Inc. and ADG for construction at the Emergency Communications Operations Center (ECOC) project. A fan battery was purchased for the new fire apparatus. There were two payrolls in April and two in May. All other expenditures were typical office and safety supply purchases.

There is a projected surplus in the Public Safety Sales Tax (PSST) fund balance of over \$2 million for FYE23. Coffman stated, "We are proposing that they (City Council) use \$2.1 million of PSST fund balance to fund the aerial ladder platform requested by the fire chief. It going to almost wipe out fund balance for PSST fund, but it's not going to be zero."

Coffman will email a month-to-date report to the committee members. She also confirmed that PSST funds do not go to pay for bus expenses.

Items submitted for the record:

Finance and Budget Reports

DISCUSSION ITEMS

3. FIRE DEPARTMENT - MONTHLY UPDATES

Fire Chief Travis King gave the report. King stated that he is excited about the budget amendment that allows for the purchase of a new ladder truck, "We anticipate it (the amendment) passing and I really believe that the support of this committee helped in that." King is confident that \$2.1 million will get the aerial ladder truck purchased and pay for the loose equipment that goes with it. King has a meeting on June 12 with the City Manager to discuss the discounted payment options that are available through the ladder truck vendor. It is expected that the build time on this ladder truck will be less than 2 years. The City is expecting the delivery of two

engine pumpers, one should arrive in October 2023 and the other should arrive in the summer of 2024.

Member Gallagher asked where the Fire Department was on obtaining drones. King replied, "I don't know. Where are we? I've 'T-ed' that up several times over the years. PD has them and we can barrow them whenever we need them." Member Gilkey followed Gallagher's question with, "Why would the Fire Department need drones?" King said, "Wild fires - they are very handy. Even on structure fires you can see maybe some exposures that you can't see from the front or from doing a one-eighty on scene. There are multiple applications in a rescue setting. If you can get one that has a decent payload, you can deliver ropes or life jackets out to a flooding situation. Certainly with night type vision on them, rescue is a great option at night. We've used our hand-held thermal imaging cameras for night time rescues. Certainly a lot of applications on the fire side."

Member Hurley asked Chief King if he budgeted for electronic software to document patient care and reports. King stated, "We're working with New World and legal on a rebate from New World to purchase this software or make them (New World) develop it as they promised they would." Currently, the Fire Department is documenting their calls through Microsoft Word and then attaching the documents to their reports. King says that they are documenting sufficiently, but it's not an efficient way to document; yet, their files are secure. Member Hurley suggested that the Fire Department look into obtaining the ESO software that EMSStat will start using fall of 2023. Hurley said, "I think there would be some good interoperability where we (Norman Fire Department and Norman EMSStat) can transfer stuff. We (Norman EMSStat) have an ESO alerting piece that will be able to connect to the emergency departments so you don't have to get on your radio anymore. Information is electronically transmitted so emergency departments know that folks are coming."

4. POLICE DEPARTMENT - MONTHLY UPDATES

Major Chad Vincent gave the report. Norman Police Department (NPD) is short 22 commissioned officers. Twelve recruits start the NPD academy on June 16. NPD has partnered with the Moore Norman Technology Center's Police Program. It is expected that NPD will acquire a couple of certified police officers from this program. Vincent's goal is to have all but eight officer positions filled by the end of 2023. There will be a police academy that starts January 2024 that will hopefully bring NPD to full staff. Member Gallagher asked what the NPD cadet attrition rate was. Vincent stated that a very rough estimate would be that they lose about "10% - 15%" of their participants.

Since the committee last met there has been one officer involved shooting in which neither person was hit and NPD was able to make an arrest. Officers are working the case of another recent shooting, but the details of this case were not shared in the meeting.

Norman Police Department community events have increased, specifically for the School Resource Officers (SRO). This Summer, these officers will be actively participating in Safety Town, Police Activities League (PAL), advanced SRO school, and other events that foster relationships between law enforcement and the community.

5. DISPATCH DEPARTMENT - MONTHLY UPDATES

Andrea Lewis gave the report. The Dispatch Department has five individuals in training. Two of these employees are about to be released as fully trained. After all five employees are fully trained, Dispatch will be down one employee with two Dispatch positions still in the budget.

Lewis mentioned that Midwest City is paying dispatchers \$2 more an hour than City of Norman and stated, "We are still having a really hard time getting experienced dispatchers. Our pay is just not as competitive as the metro. Oklahoma City is offering, I think, a \$3,000 sign-on bonus as well. We're having a challenge keeping up with pay."

The mobile command post will be undergoing upgrades so Dispatch will operate out of the bomb trailer on July 4.

6. EMERGENCY COMMUNICATIONS OPERATIONS CENTER (ECOC) PROJECT UPDATES

Major Brent Barbour gave the report. The footings, piers, water lines and French drain system are installed at the ECOC. It is anticipated that in the next few weeks the foundation will be poured. The completion date for the ECOC is slated for July 2024. There are two components that are unfunded in this project. They are the \$805,000 five bay, storage facility and technology pieces that Barbour believes were mistakenly left out of the budget. He stated that the technology costs will work themselves out because the funds budgeted for utility costs won't get spent this year.

Line Maintenance will operate out of the metal building that is currently under construction and adjacent to the ECOC. The ponds to the West of the ECOC are a detention pond and what is believed to be an overflow pond for one of the City's lift stations. Due to the increased expense of burying underground lines, the electric lines in front of the ECOC will remain above ground. The lines from the right of way to the facility will be underground.

7. ESTABLISH TOPICS FOR THE JULY 13, 2023 MEETING

Member Rice presented the idea of asking Council for a bond to complete the relocation of Fire Station 5. It was agreed upon by the Committee that this would be an agenda item at the next Public Safety Oversight Committee meeting. Kim Coffman stated that at the last City Council Finance Committee meeting, Council determined that they wanted to get the results of the Public Safety Study before moving forward with relocating Station 5. Chair Price showed concern for the PSST Committee "pushing for something that can't get done yet"; however, per Price's request, Coffman agreed to talk to Anthony Francisco about presenting the Committee with bond information. Price stated, "Talking about it, never hurts anybody."

MISCELLANEOUS COMMENTS

Member Greenleaf stated, "I'm glad to see that our letter (to Council regarding the purchase of a Fire Department ladder truck) maybe had some effect." Chair Price said, "I think it's always very helpful if we've given it some thought and had discussion time, had background information; they know we're really interested."

Norman's tornado warning system became a discussion after Chair Price stated that she hoped cancelling last month's meeting due to weather concerns "didn't inconvenience everybody". Major Barbour clarified that the tornado sirens are triggered by the National Weather Service, but there is a manual override for triggering additional alarms. Member Greenleaf said, "If we just have one single siren inside the polygon, it will set off the whole series (of sirens) for that area." Chair Price said, "I think it would be beneficial if there was an effort made to explain why they (sirens) go off and how they are set off because there are very few people that understand. If there is a way for us to start communicating information and get it to the English speaking people, and then I'd be really interested in whether or not there's any alternative for non-English

speaking people to get information. I think that would be really beneficial if we had some mechanism.” Member Greenleaf said, “That is one thing that we are trying to get done right now. Not only that, but the whole education on the sirens and storm warnings; it’s difficult. You know the transcript only has 6,000 subscribers. What we’ve got to do is get the radio stations and television stations to start doing some public education. We’d be interested in peoples’ ideas on how to get it disseminated.”

ADJOURNMENT

Member Rice made a motion to adjourn the meeting which was duly seconded by Member Hurley. The motion passed unanimously. The meeting adjourned at approximately 5:00 PM.



Linda Price, Chair
Citizens Public Safety Oversight Committee

Public Safety Sales Tax Fiscal Year End 2023 Financial Report

	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Fiscal Year To Date	Prior FY To Date	PSST II To Date
Revenues:															
Public Safety Sales Tax	\$ 963,920	\$ 980,427	\$ 1,038,038	\$ 1,057,045	\$ 1,051,427	\$ 987,149	\$ 1,047,231	\$ 1,030,515	\$ 886,958	\$ 995,074	\$ 1,030,076	\$ 960,967	\$ 12,028,846	\$ 11,945,244	\$ 135,896,444
Public Safety Use Tax	\$ 145,606	\$ 144,169	\$ 153,101	\$ 173,940	\$ 149,464	\$ 155,275	\$ 177,437	\$ 203,330	\$ 136,589	\$ 144,849	\$ 172,850	\$ 157,095	\$ 1,913,734	\$ 1,749,400	\$ 10,965,133
Investments/Interest	\$ 1,957	\$ 3,994	\$ 7,672	\$ 12,936	\$ 13,202	\$ 18,276	\$ 22,382	\$ 26,197	\$ 28,244	\$ 27,815	\$ 28,262	\$ 29,208	\$ 220,145	\$ 5,563	\$ 1,200,317
Refunds/Reimbursements	\$ -	\$ 9,700	\$ -	\$ 166,204	\$ -	\$ -	\$ 166,204	\$ -	\$ 166,204	\$ -	\$ -	\$ 166,204	\$ 674,514	\$ 692,546	\$ 4,276,234
Sale of Vehicles	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,910
Bond Proceeds	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 22,825,000
Inter-Fund Transfer	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,024,383
Total Revenue	\$ 1,111,482	\$ 1,138,310	\$ 1,198,811	\$ 1,410,124	\$ 1,214,093	\$ 1,160,700	\$ 1,413,253	\$ 1,260,042	\$ 1,218,005	\$ 1,167,739	\$ 1,231,187	\$ 1,313,494	\$ 14,837,240	\$ 15,893,895	\$ 181,597,421
Expenditures:															
Fleet Heavy Repair - 15550172															
Salaries & Benefits	\$ 5,537	\$ 8,147	\$ 5,002	\$ 5,730	\$ 6,186	\$ 7,133	\$ 6,854	\$ 17,609	\$ 12,751	\$ 12,716	\$ 13,032	\$ 12,826	\$ 113,524	\$ 71,533	\$ 185,057
Supplies & Materials	\$ 325	\$ 22,428	\$ 3,193	\$ 9,691	\$ 15,892	\$ 6,935	\$ 11,556	\$ 3,973	\$ 12,155	\$ 16,020	\$ 10,528	\$ 36,454	\$ 149,150	\$ 6,541	\$ 155,715
Services & Maintenance	\$ 618	\$ 447	\$ 723	\$ 5,111	\$ 1,341	\$ 210	\$ 1,482	\$ 8,006	\$ 3,508	\$ 276	\$ 8,718	\$ 9,298	\$ 39,739	\$ 1,884	\$ 53,963
Internal Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Capital Equipment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Sub-Total Fleet Heavy Repair	\$ 6,481	\$ 31,022	\$ 29,790	\$ 20,532	\$ 23,420	\$ 14,278	\$ 19,891	\$ 29,589	\$ 28,414	\$ 29,012	\$ 32,278	\$ 58,577	\$ 20,872	\$ 43,347	\$ 189,810
Patrol - 15661322															
Salaries & Benefits	\$ 311,291	\$ 438,122	\$ 283,286	\$ 378,623	\$ 358,218	\$ 290,056	\$ 345,538	\$ 497,647	\$ 312,514	\$ 317,711	\$ 334,770	\$ 321,224	\$ 4,188,999	\$ 4,001,783	\$ 48,590,574
Supplies & Materials	\$ -	\$ 18,530	\$ 26,305	\$ 12,409	\$ 16,542	\$ 52,749	\$ 15,825	\$ 22,571	\$ 13,869	\$ 28,052	\$ 10,285	\$ 11,732	\$ 228,869	\$ 145,753	\$ 1,908,018
Services & Maintenance	\$ 960	\$ 35,579	\$ 3,352	\$ 10,506	\$ 2,498	\$ 4,408	\$ 5,252	\$ 3,596	\$ 4,016	\$ 15,063	\$ 2,105	\$ 5,905	\$ 93,242	\$ 118,164	\$ 980,775
Internal Services	\$ 18,038	\$ 22,432	\$ 24,651	\$ 23,746	\$ 25,074	\$ 24,072	\$ 17,773	\$ 23,841	\$ 35,504	\$ 24,342	\$ 32,972	\$ 24,695	\$ 297,140	\$ 236,599	\$ 1,318,067
Capital Equipment	\$ -	\$ -	\$ 78,878	\$ 1,406	\$ -	\$ -	\$ -	\$ 709	\$ 227	\$ -	\$ 79	\$ 207	\$ 81,505	\$ 9,860	\$ 3,072,519
Staff Services - 15661115	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Supplies & Materials	\$ 703	\$ 38,461	\$ 1,700	\$ 2,146	\$ 534	\$ 1,212	\$ 602	\$ 1,309	\$ 1,034	\$ 959	\$ 1,575	\$ 2,634	\$ 52,869	\$ 88,264	\$ 396,050
Services & Maintenance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Capital Equipment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,966,869
SFO Officers - 15661313															
Salaries & Benefits	\$ 94,783	\$ 149,989	\$ 109,306	\$ 143,804	\$ 113,504	\$ 102,865	\$ 109,611	\$ 170,406	\$ 107,248	\$ 111,172	\$ 112,685	\$ 104,724	\$ 1,430,097	\$ 1,276,062	\$ 4,613,377
Supplies & Materials	\$ 883	\$ 360	\$ 634	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,876	\$ 525	\$ 2,401
Services & Maintenance	\$ -	\$ 213	\$ 1,270	\$ 422	\$ 421	\$ 650	\$ 1,021	\$ 1,164	\$ 1,627	\$ 428	\$ 908	\$ 4,429	\$ 12,552	\$ 2,310	\$ 16,164
Internal Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Capital Equipment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Criminal Investigations - 15661321															
Salaries & Benefits	\$ 54,515	\$ 76,596	\$ 49,073	\$ 66,963	\$ 56,608	\$ 49,485	\$ 65,470	\$ 87,189	\$ 47,840	\$ 45,620	\$ 45,735	\$ 49,783	\$ 694,877	\$ 674,858	\$ 7,912,744
Supplies & Materials	\$ -	\$ 272	\$ 915	\$ 550	\$ 251	\$ 450	\$ 363	\$ 834	\$ 227	\$ 518	\$ 915	\$ 288	\$ 5,564	\$ 4,059	\$ 70,909
Services & Maintenance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 51	\$ 51	\$ 51	\$ 132	\$ 132	\$ 131	\$ 52	\$ 548	\$ 455	\$ 81,248
Internal Services	\$ 360	\$ 650	\$ 877	\$ 718	\$ 860	\$ 691	\$ 6,104	\$ 686	\$ 1,792	\$ 719	\$ 1,080	\$ 731	\$ 15,268	\$ 7,070	\$ 82,629
Capital Equipment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 509,773
Special Investigations															
Salaries & Benefits	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Supplies & Materials	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Services & Maintenance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Internal Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Capital Equipment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Emergency Communications - 15661139															
Salaries & Benefits	\$ 5,263	\$ 7,317	\$ 6,124	\$ 8,712	\$ 6,413	\$ 6,485	\$ 6,055	\$ 7,436	\$ 6,247	\$ 4,989	\$ 6,693	\$ 5,409	\$ 77,144	\$ 116,551	\$ 842,180
Supplies & Materials	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,400	\$ 1,400
Services & Maintenance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,189	\$ -	\$ 1,189	\$ 216	\$ 131,142
Internal Services	\$ 50	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50	\$ 50	\$ 930
Sub-Total Police	\$ 486,945	\$ 788,519	\$ 586,370	\$ 650,004	\$ 580,924	\$ 533,124	\$ 573,667	\$ 817,441	\$ 532,277	\$ 549,706	\$ 551,122	\$ 531,793	\$ 7,181,792	\$ 6,691,724	\$ 73,140,628
Fire - 15665143															
Salaries & Benefits	\$ 322,128	\$ 412,585	\$ 263,735	\$ 242,702	\$ 237,010	\$ 303,576	\$ 274,390	\$ 393,088	\$ 267,197	\$ 303,669	\$ 279,449	\$ 305,913	\$ 3,605,444	\$ 3,654,929	\$ 36,807,735
Supplies & Materials	\$ -	\$ 10,640	\$ 8,776	\$ 8,370	\$ 7,991	\$ 8,275	\$ 30,905	\$ 6,157	\$ 12,164	\$ 10,267	\$ 7,870	\$ 7,478	\$ 118,693	\$ 162,910	\$ 973,439
Services & Maintenance	\$ 2,858	\$ 11,212	\$ 7,277	\$ 4,512	\$ 3,515	\$ 1,398	\$ 1,388	\$ 2,416	\$ 4,263	\$ 3,566	\$ 3,325	\$ 3,677	\$ 46,198	\$ 46,157	\$ 797,626
Internal Services	\$ 4,194	\$ 9,726	\$ 10,813	\$ 10,192	\$ 10,430	\$ 8,772	\$ 7,769	\$ 7,913	\$ 10,537	\$ 6,806	\$ 8,816	\$ 5,975	\$ 101,944	\$ 91,664	\$ 592,687
Capital Equipment	\$ -	\$ 2,123	\$ 3,654	\$ 40,087	\$ 13,340	\$ 17,023	\$ 13,491	\$ 14,902	\$ 13,491	\$ -	\$ 7,900	\$ 49,383	\$ 162,540	\$ 653,099	\$ 1,101,854
CIP FUND - Fire Stations	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,516,950
Fire Storage Facility Project - 15693377	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,120	\$ 69	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,789	\$ 143,557	\$ 791,367
Sub-Total Fire	\$ 329,180	\$ 446,287	\$ 294,255	\$ 305,863	\$ 272,286	\$ 341,764	\$ 315,159	\$ 424,477	\$ 307,682	\$ 321,100	\$ 307,360	\$ 372,427	\$ 4,037,807	\$ 4,752,313	\$ 57,498,387
Inter-Fund Transfers	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Debt Service Costs - 15930149	\$ -	\$ 140	\$ 1,185,585	\$ 140	\$ 127	\$ 127	\$ 127	\$ 127	\$ 1,065,127	\$ 118,741	\$ 113	\$ 113	\$ 2,369,865	\$ 2,368,536	\$ 17,217,754
Reserve Design CIP - 15693319	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,808,575
EG CIP - 15695523	\$ -	\$ -	\$ 298,901	\$ 35,742	\$ 11,844	\$ 184,403	\$ 34,540	\$ 8,438	\$ 36,845	\$ 10,482	\$ 15,739	\$ 360,445	\$ 997,377	\$ 126,593	\$ 1,941,187
Total	\$ 822,506	\$ 1,265,968	\$ 2,394,901	\$ 1,012,280	\$ 888,600	\$ 1,073,695	\$ 943,383	\$ 1,280,072	\$ 1,970,315	\$ 1,028,440	\$ 906,612	\$ 1,323,355	\$ 14,910,126	\$ 14,072,474	\$ 174,895,476
Net Total	\$ 288,976	\$ (127,657)	\$ (1,196,090)	\$ 397,844	\$ 325,493	\$ 87,005	\$ 469,870	\$ (20,030)	\$ (762,310)	\$ 139,299	\$ 324,575	\$ (9,861)	\$ (72,887)	\$ 1,821,421	\$ 6,701,944

PSST II – Project, equipment and personnel plan

FYE 2015

Continue PSST I requirements including:

2 additional Patrol Officers, totaling 71 Public Safety personnel hired

- Fire Administration Building Remodel (\$70,000 of Capital Funds)
- Replacement of Fire self-contained breathing apparatus (SCBA) - (\$500,000 of PSST Funds)
- Replacement of 7 Patrol vehicles - (\$312,200 of PSST Funds)
- Replacement of 1 Pumper - (\$450,000 of PSST Funds)
- Replacement of 1 Passenger Van - (\$150,000 of PSST Funds)
- Replacement of 2 Brush Pumper units - (\$173,640 of PSST Funds)

FYE 2016

September 30, 2015 – PSST I ends

October 1, 2015 – PSST II begins

PSST I fund balance will be drawn down by paying for the 71 Public Safety personnel hired and other Police and Fire operating expenses.

Personnel:

Add 5 School Resource Officers (SRO) and 1 Lieutenant for SRO Program

Design of Emergency Operations/Dispatch Facility

Replace Fire Department Elevated Platform

Design of Emergency Communication System

FYE 2017

Personnel:

Add 7 School Resource Officers

Add 2 Emergency Vehicle Mechanics

Add 2 Emergency Communication Officers

Construction of Emergency Operations/Dispatch Facility

Replace Fire Engine

Replacement of Emergency Communications System

FYE 2018

Replace Fire Engine

FYE 2019 and beyond**Personnel:**

Add 2 Emergency Communication Officers

Relocate Fire Station # 5

100% of PSST II revenues will be used for all of the above.

Approximately 12 years after PSSTII begins and requirements met, 75% (3/8th of 1%) of PSST II revenues will go to General Fund to permanently fund the 90 additional PSST positions and 25% (1/8th of 1%) of the revenues will go to Public Safety Capital expenses (police vehicle/fire apparatus replacement, communications system replacement, etc.) as needed and/or other uses as restricted by the Ordinance.

PSST II - Fire Apparatus Replacement Schedule - \$6,800,000 Allocation

	<u>As originally planned</u>	<u>As revised in FYE 17</u>	<u>As revised in FYE 18</u>	<u>As revised in FYE 19</u>	<u>As revised in FYE 20</u>	<u>As revised in FYE 22</u>	<u>As revised in FYE 23</u>	<u>As revised in FYE 24</u>	<u>Changes</u>
FYE 16	Elevated Platform	\$ 1,106,700	\$ 1,106,000	\$ 1,106,000	\$ 1,106,000	\$ 1,106,000	\$ 1,105,943	\$ 1,105,943	
FYE 17	Fire Engine	\$ 493,500	\$ 540,000	\$ 524,000	\$ 524,000	\$ 524,000	\$ 523,853	\$ 523,853	
FYE 18	Fire Engine	\$ 508,000	\$ 625,000	\$ 622,000	\$ 622,000	\$ 622,000	\$ 622,079	\$ 622,079	
FYE 19	Air Supply Unit	\$ 350,000	\$ 450,000	\$ 725,000	\$ 725,000	\$ 725,000	\$ 724,974	\$ 724,974	Pumper/Tanker
	Command Vehicle	\$ 80,000	\$ 80,000	\$ 85,000	\$ -	\$ -	\$ -	\$ -	
		\$ 430,000	\$ 535,000	\$ -	\$ -	\$ -	\$ -	\$ -	
FYE 20	Fire Engine	\$ 539,000	\$ 675,000	\$ 750,000	\$ 750,000	\$ 735,474	\$ 735,474	\$ 735,474	Pumper/Tanker
	Rescue	\$ 650,000	\$ 850,000	\$ -	\$ -	\$ -	\$ -	\$ -	
		\$ 1,189,000	\$ 1,525,000	\$ -	\$ -	\$ -	\$ -	\$ -	
FYE 21	Tanker	\$ 385,000	\$ 450,000	\$ 415,000	\$ 800,000	\$ 471,500	\$ 541,600	\$ 541,600	Air and Light Unit, Public Education Trailer, Drone, Rescue Boat, 2 staff vehicles instead of Tanker
FYE 22	Fire Engine	\$ 571,000	\$ 700,000	\$ 750,000	\$ 750,000	\$ 760,000	\$ 687,804	\$ 687,804	
FYE 23	Fire Engine	\$ 589,000	\$ 725,000	\$ 775,000	\$ 775,000	\$ 775,000	\$ 800,000	\$ 750,000	
FYE 24	Ladder	\$ 1,000,000	\$ 1,500,000	\$ 1,700,000	\$ 1,700,000	\$ 1,700,000	\$ 1,800,000	\$ 2,100,000	
GRAND TOTAL		\$ 6,272,200	\$ 7,690,000	\$ 7,367,000	\$ 7,752,000	\$ 7,418,974	\$ 7,541,727	\$ 7,791,727	

File Attachments for Item:

13. CONSIDERATION OF APPROVAL, ACCEPTANCE REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF A COURT ORDER: A RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF \$19,440.00 REGARDING RICKEY J. GOURLEY II VS. THE CITY OF NORMAN, OKLAHOMA WORKERS' COMPENSATION COMMISSION CASE 2022-06328 E.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/23

REQUESTER: Jeanne Snider

PRESENTER: Jeanne Snider, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF A COURT ORDER: A RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF \$19,440.00 REGARDING RICKEY J. GOURLEY II VS. THE CITY OF NORMAN, OKLAHOMA WORKERS' COMPENSATION COMMISSION CASE 2022-06328 E.

BACKGROUND:

Rickey J. Gourley II was hired October 27, 2014, as a Maintenance Worker I for the City of Norman's Public Works Department Traffic Control Division. Mr. Gourley filed claim number 2022-06328 E with the Workers' Compensation Commission on October 14, 2022, alleging a single incident injury to the left shoulder and left arm while lifting a coin cart off a tailgate on August 18, 2022. The City accepted this injury and the case proceeded through the normal litigation process. A trial was held September 21, 2023. On September 26, 2023, the Court denied alleged injury to the Left Arm and awarded 15 percent (\$19,440.00) Permanent Partial Disability to the Left Shoulder to be paid at a weekly rate of \$360 commencing April 3, 2023, until the entire award is paid in full. Due to a scrivener's error on the Order filed on September 26, 2023, the Court filed an Order Nunc Pro Tunc on October 25, 2023. It is recommended that the City comply with this Order.

DISCUSSION:

Medical Treatment. Mr. Gourley was initially examined at Norman Regional Occupational Medicine the same day of his injury and treated conservatively and placed in a sling. He then underwent a magnetic resonance imaging (MRI) of the Left Shoulder on August 29, 2022. Due to MRI findings, he was referred to orthopedist Dr. Joshua Wilson. He was examined by Dr. Wilson on September 7, 2022 and treated conservatively to include a therapeutic subacromial corticosteroid injection as well as formal physical therapy. Due to failed trial of conservative therapy, surgical intervention was recommended. On October 14, 2022, Mr. Gourley underwent left shoulder arthroscopy and postoperative physical therapy. He continued to follow-up with Dr. Wilson until his full release back to work on April 3, 2023.

Issues for Trial. The issues tried on September 21, 2023, before the Oklahoma Workers' Compensation Commission were the extent of permanent partial disability benefits and continued medical maintenance for the Left Shoulder and Left arm. Permanent partial disability is a factual determination made by the Workers' Compensation Commission Trial Judge based on doctors' opinions and medical records regarding the extent of permanent partial impairment.

Evaluations. On May 10, 2023, Mr. Gourley was rated by Dr. Lonnie Litchfield. Dr. Litchfield opined 37 percent (\$47,952) permanent partial impairment to the whole man regarding the Left Shoulder over and above any prior injury and 15 percent (\$14,850) permanent partial impairment to the arm regarding the Left Arm over and above any prior injury to include entitlements to continuing medical benefits in the form of pain management for treatment of chronic pain and entitlements for prescription medications or any treatments his treating physician deemed necessary.

The City had Mr. Gourley evaluated by Dr. William Jones on July 11, 2023, who opined 8 percent (\$10,368) permanent partial impairment to the whole man regarding the Left Shoulder and 0 percent permanent partial impairment to the arm regarding the Left Arm as his left shoulder joint was already accounted for in the left shoulder impairment.

The Workers' Compensation Commission Trial Judge is free to make a ruling within the range of medical evidence presented at the time of trial. The City's maximum permanent partial impairment exposure would be \$62,802.

Court Award. The case was heard by the Workers' Compensation Commission on September 21, 2023. After hearing the Claimant's testimony and considering the expert medical evidence, the Court entered its Order on September 26, 2023. The Court found the Left Shoulder compensable, denied and dismissed the alleged injury to the Left Arm, and awarded 15 percent permanent partial disability to the Left Shoulder.

The Court's findings are set out in Paragraph Nos. 4 through 6 of the Order, as follows:

-4. "That as a result of said injury, Claimant has sustained 15% Permanent Partial Disability to the LEFT SHOULDER. At Claimant's rate of compensation, this is equal to an award of \$19,440.00, which shall be paid to Claimant weekly at the rate of \$360.00 commencing April 3, 2023, until the entire award is paid in full. All accrued amounts shall be paid in lump sum."

As can be noted in No. 4 of the Commission's Order, PPD compensation is expressed in terms of "weeks" of compensation with an accompanying "weekly wage rate." Workers' Compensation awards are normally paid at the weekly rates over a period of time. Mr. Gourley's weekly wage PPD rate is \$360.00. In this instance, a portion of the award has accrued.

-5. "Maximum attorney fees of 20% of the permanent partial disability benefits are awarded herein, pursuant to 85A O.S., §82."

If approved by Council, Mr. Gourley and his attorney would be paid the accrued lump sum amount and attorney's fee, less the Multiple Injury Trust Fund Assessment amount, plus an additional 7 weeks and 2 days for processing and Council approval in the total lump sum amount of \$15,112.80. The balance of the award (\$3,744.00) would then be paid in weekly payments of \$360 until paid in full as set forth in the attached Payment Schedule.

Further, in complying with the Order, the City will incur additional costs and fees as set out in Paragraph Nos. 6 through 8. Special Occupational Health and Safety Fund Tax in the amount of \$145.80, Workers' Compensation Administration Fund in the amount of \$388.80, filing fee to the Workers' Compensation Court in the amount of \$140.00; and filing fee to Cleveland County in the amount of \$154.14. The costs and fees total \$828.74, which brings the total cost of this Order to \$20,268.74. Adequate funds are available in the Order/Settlements Account (43330102-42131).

-9. "Pursuant to 85A O.S. §31(7), for injuries occurring on or after July 1, 2019, a Multiple Injury Trust Fund Assessment in the amount of \$583.20, representing (3%) of the Claimant's permanent partial disability award shall be deducted and paid to the Oklahoma Tax Commission by the Respondent."

RECOMMENDATION:

The issues tried on September 21, 2023, were the extent of permanent partial disability benefits to the Left Shoulder, Left arm, and continuing medical maintenance. The Court Award in this case is within the medical evidence submitted. It is not anticipated a more favorable ruling for the City could be achieved by further litigation. It is recommended that the City move forward to comply with this Order.

Acceptance of the Order would require payments as outlined above. The Order would be certified to the Cleveland County District Court to be placed on the property tax rolls for collection over the next three years in accordance with 85 O.S. § 313, 51 O.S. § 159, and 62 O.S. § 361, *et seq.* Certifying the Order to the property tax rolls would, in effect, reimburse the City's Workers' Compensation Fund over the next three years.

ORDER FILED
September 26, 2023

WORKERS'
COMPENSATION COMMISSION

RICKEY J GOURLEY II)	
Claimant)	Commission File No.
)	CM3-2022-06328E
CITY OF NORMAN)	
Employer-Respondent)	Claimant's Social Security
)	Number: xxx-x9-1762
CITY OF NORMAN)	
Insurer)	

**ORDER DETERMINING COMPENSABILITY AND
AWARDING PERMANENT PARTIAL DISABILITY BENEFITS**

Hearing before Administrative Law Judge JOHN L BLODGETT on September 21, 2023, in OKLAHOMA CITY, Oklahoma.

Claimant appeared in person, and by counsel, JOHN R COLBERT.

Respondent and insurance carrier appeared by counsel, JEANNE SNIDER.

I. FACTS AND STIPULATIONS

Claimant filed his Employee’s First Notice of Claim for Compensation (CC-Form-3) on October 14, 2022, alleging injuries to his left shoulder and left upper arm, with a date of injury of August 18, 2022. According to his CC-Form-3, Claimant was injured while lifting a coin cart off a tailgate. Claimant now requests a finding of compensable injury to his left shoulder and left arm, the major cause of which was a single incident accident arising out of the course and scope of his employment with Respondent, with a date of injury of August 18, 2022. Claimant requests an award of permanent partial disability benefits for his injuries to the left shoulder and left arm.

Respondent admits the Commission has jurisdiction to consider Claimant’s cause of action. Respondent admits Claimant was its employee on August 18, 2022. Respondent admits Claimant did sustain a compensable injury to his left shoulder, the major cause of which was a single incident accident arising out of the course and scope of his employment, with a date of injury of August 18, 2022. Respondent denies Claimant sustained a compensable injury to his left arm. Respondent admits Claimant received medical treatment for his left shoulder. Respondent denies the nature and extent of Claimant’s permanent partial disability for his injury to the left shoulder. Respondent denies Claimant is entitled to any permanent partial disability benefits for his denied injury to the left arm.

The parties stipulate and agree Claimant’s rate for permanent partial disability benefits is \$360.00 per week. The parties stipulate and agree the date of accrual for permanent partial disability benefits is April 3, 2023.

With the contested issues framed, the case was fully submitted on September 21, 2023. The record consists of the testimony of Claimant, the May 10, 2023 medical report of Dr. Lonnie Litchfield

(Claimant Exhibit #1), historical medical records of Norman Regional Occupational Medicine, HPI Community Hospital, Dr. Joshua Wilson, Physical Therapy Central, and Norman Regional Health System (Claimant Exhibit #2), and the July 11, 2023 medical report of Dr. William Jones (Respondent Exhibit #1).

II. DISCUSSION

From a review of the record as a whole, including the medical reports submitted by the parties, and having heard the testimony of Claimant and having observed his demeanor, and other matters properly before the Commission, the following findings of fact and conclusions of law are made in accordance with 85A O.S. §72:

Claimant is thirty-six (36) years old, and was a credible witness. Claimant was employed by Respondent as a maintenance worker. Claimant has been employed by Respondent for approximately eight (8) years. One of Claimant's job duties required him to collect money from parking meters. On August 18, 2022, Claimant was lifting a cart filled with coins off a tailgate, when he experienced a sudden onset of pain in his left shoulder. Claimant reported the incident. He was referred to Norman Regional Occupational Medicine for evaluation and treatment.

Claimant was evaluated at Norman Regional Occupational Medicine on August 18, 2022. Claimant reported he had injured his left shoulder after lifting a coin box out of the bed of a truck. Claimant denied any prior injuries to his left shoulder. An x-ray of Claimant's left shoulder revealed no acute fractures, dislocations, or subluxations. Claimant was diagnosed with a left shoulder strain. He was provided a sling and instructed to return for re-evaluation. Claimant returned to Norman Regional Occupational Medicine on August 22, 2022. Claimant continued to report pain in his left shoulder. He also complained that he could not lift his left shoulder above his head. Claimant reported considerable discomfort with any movement. Claimant was again diagnosed with a left shoulder strain. Claimant was referred for an MRI.

Claimant did undergo an MRI of his left shoulder on August 29, 2022 at HPI Community Hospital. The MRI revealed bursal sided fiber fraying and edema of the supraspinatus and infraspinatus tendons, with low grade supraspinatus insertional tendinosis, as well as circumferential labral degeneration and free edge blunting, along with chronic appearing tearing and scarring of the anterior inferior labrum. Claimant returned to Norman Regional Occupational Medicine on August 31, 2022. After reviewing the MRI, it was recommended that Claimant be referred to an orthopedic surgeon for further evaluation and treatment.

Claimant was then referred to Dr. Joshua Wilson, an orthopedic specialist. Dr. Wilson evaluated Claimant on September 7, 2022. Claimant reported he injured his left shoulder at work while lifting a heavy box on August 18, 2022. Following that incident, Claimant noted weakness and stiffness of his left shoulder. Claimant denied any radiculopathy type symptoms radiating down his arm in to the digits or any numbness or tingling. Claimant did report pain in his left shoulder, which radiated to his left elbow. Dr. Wilson reviewed Claimant's MRI. It was his opinion that the diagnostic imaging showed rotator cuff tendinitis and partial-thickness bursal sided tearing of the supraspinatus tendon, with degenerative fraying of the labrum. Dr. Wilson diagnosed Claimant with bursitis of the left shoulder, bicipital tendinitis of the left shoulder, adhesive capsulitis of the left shoulder, and an incomplete rotator cuff tear or rupture of the left shoulder. Dr. Wilson provided a steroid injection for Claimant's left shoulder, and recommended formal physical therapy.

Claimant returned to Dr. Wilson on October 5, 2022. Claimant reported minimal relief with the steroid injection. Claimant also reported that he felt worse after participating in physical therapy. Given Claimant's failure to improve with conservative treatment, Dr. Wilson recommended surgery. Dr. Wilson took Claimant to surgery on October 14, 2022. The procedures performed included left shoulder arthroscopic extensive debridement, arthroscopic distal clavicle excision, and open subpectoral biceps tenodesis.

Postoperatively, Claimant continued under Dr. Wilson's care. Claimant participated in additional physical therapy. Dr. Wilson ultimately released Claimant at maximum medical improvement on April 3, 2023. Dr. Wilson released Claimant to return to work without restrictions. Dr. Wilson was of the opinion Claimant did not require continuing medical treatment, and did not require vocational rehabilitation.

Claimant has returned to work for Respondent. Although he was released without restrictions, and he did not ask for any modifications in his work activities upon his return to work, Claimant explained that he does still have some limitations and he is assisted by his coworkers in some of his work's required physical activities. For example, Claimant no longer collects money from parking meters, and when overhead work is required, Claimant's coworkers will usually do that work.

Claimant does have continued complains in his left shoulder. He complains that he has popping and grinding in his left shoulder. He complains that it is difficult for him to reach over his head with his left arm, and difficult to reach behind his back, or straight out from his body with his left arm. Claimant complains that he does experience some pain in his left shoulder. If his left shoulder is at rest, it is not painful. However, if he moves or performs physical activities with his left arm, his left shoulder will be painful. Claimant explained that his discomfort increases based upon his level of activity. Claimant complains that he is not able to assist his children in sports activities because of his left shoulder complaints. Claimant also complains that he can no longer perform his wood working side business because of left shoulder discomfort.

Claimant submitted the May 10, 2023 medical report of Dr. Lonnie Litchfield in support of his request for benefits. Dr. Litchfield is of the opinion Claimant injured his left shoulder in the August 18, 2022 work accident. As a result of his August 18, 2022 injury to the left shoulder, Dr. Litchfield is of the opinion Claimant has sustained a 12% permanent partial impairment to his left shoulder due to decreased range of motion, plus an additional 25% permanent partial impairment to the left shoulder as a result of distal clavicle excision, rotator cuff tear, labral tear, and a biceps tendon tear, for a total of 37% permanent partial impairment to the left shoulder. Although Dr. Litchfield's report does not describe an injury to Claimant's left arm, and Dr. Litchfield does not indicate Claimant's August 18, 2022 work accident was the major cause of an injury to Claimant's left arm, Dr. Litchfield is nevertheless of the opinion Claimant sustained a 15% permanent partial impairment to his left arm due to the biceps tenodesis procedure.

Respondent submitted the July 11, 2023 medical report of Dr. William Jones in support of its denial. Dr. Jones is of the opinion Claimant sustained an 8% permanent partial impairment to the whole man due to his August 18, 2022 injury to the left shoulder. Dr. Jones is of the opinion Claimant sustained no (0%) permanent partial impairment to his left arm from the August 18, 2022 work accident. Dr. Jones notes the biceps tendonitis in Claimant's left shoulder joint was already accounted for in his

left shoulder impairment.

III. FINDINGS AND CONCLUSIONS

The Commission, having reviewed the medical reports submitted by the parties, having heard the testimony of Claimant and observed his demeanor, having considered the evidence and records on file, and being duly advised in the premises, FINDS AND ORDERS AS FOLLOWS:

1. That Claimant sustained a compensable injury to his LEFT SHOULDER, the major cause of which was a single incident accident arising out of the course and scope of his employment with Respondent, with a date of injury of August 18, 2022.
2. That Claimant has failed to prove by a preponderance of the evidence that he sustained a compensable injury to his left arm, the major cause of which arose out of the course and scope of his employment with Respondent. Claimant has failed to provide medical evidence supported by objective findings of an injury to his left arm. As such, Claimant's request for a finding of compensable injury to his left arm, and award of permanent partial disability benefits for the left arm, is DENIED and DISMISSED.
3. That Claimant's rate for permanent partial disability is adjudicated at \$360.00.
4. That as a result of said injury, Claimant has sustained 15% Permanent Partial Disability to the RIGHT SHOULDER. At Claimant's rate of compensation, this is equal to an award of \$19,440.00, which shall be paid to Claimant weekly at the rate of \$360.00 commencing April 3, 2023, until the entire award is paid in full. All accrued amounts shall be paid in lump sum.
5. Maximum attorney fees of 20% of the permanent partial disability benefits are awarded herein, pursuant to 85A O.S., §82.
6. That pursuant to Title 85A O.S., §118, a final award fee of one hundred forty dollars (\$140.00) is taxed as a cost in this matter, and shall be paid by Respondent to the Workers' Compensation Commission if not previously paid.
7. Pursuant to 40 O.S., §418, the Respondent-Insurer shall pay to the Oklahoma Tax Commission the Special Occupational Health and Safety tax in the amount of \$145.80, representing three-fourths of one percent of the total workers' compensation losses ordered herein, excluding medical payments and temporary total disability compensation.
8. Pursuant to 85A O.S., §122(B)(2), Respondent, if OWN RISK, shall pay a workers' compensation assessment in the amount of \$388.80 to the Oklahoma Tax Commission, representing two percent (2%) of the permanent disability benefits herein.
9. Pursuant to 85A O.S. § 31(7), for injuries occurring on or after July 1, 2019, a Multiple Injury Trust Fund assessment in the amount of \$583.20, representing (3%) of the Claimant's permanent partial disability award shall be deducted and paid to the Oklahoma Tax Commission by Respondent.

IT IS SO ORDERED.

DONE this 22nd day of SEPTEMBER, 2023.

BY ORDER OF:



JOHN L BLODGETT
ADMINISTRATIVE LAW JUDGE

mp/CRichardson

A copy of this order was sent by electronic mail or registered mail on this file stamped date to:

Claimant's Attorney: JOHN R COLBERT
415 NW 11 STREET
OKLAHOMA CITY, OK 73103

Respondent's Attorney: JEANNE SNIDER
PO BOX 370
NORMAN, OK 73070

I do hereby certify that the above and foregoing is a true and correct copy of the original order signed by the Judge herein. Witness by my hand and the official seal of this Commission on this date.



Norma McRae
Commission Clerk
September 26, 2023



ORDER FILED
October 25, 2023

WORKERS'
COMPENSATION COMMISSION

RICKEY J GOURLEY II)
Claimant) Commission File No.
) CM3-2022-06328E
CITY OF NORMAN)
Employer-Respondent) Claimant's Social Security
) Number: xxx-x9-1762
CITY OF NORMAN)
Insurer)

ORDER NUNC PRO TUNC

Now on October 25, 2023, the Commission finds that due to the order being facially defective, Section III, #4 of the order entered herein on September 26, 2023, should be and the same is hereby vacated and the following entered in lieu thereof:

4. That as a result of said injury, Claimant has sustained 15% permanent partial disability to the **LEFT SHOULDER**. At Claimant's rate of compensation, this is equal to an award of \$19,440.00, which shall be paid to Claimant weekly at the rate of \$360.00 commencing April 3, 2023, until the entire award is paid. All accrued amounts shall be paid in lump sum.

This order corrects nunc pro tunc the order entered herein on September 26, 2023, and all other provisions of said order shall remain in full force and effect as the order of this Commission.

BY ORDER OF:



JOHN L BLODGETT
ADMINISTRATIVE LAW JUDGE

CRichardson

A copy of this order was sent by electronic mail or registered mail on this file stamped date to:

Claimant's Attorney: JOHN R COLBERT
415 NW 11 STREET
OKLAHOMA CITY, OK 73103

Respondent's Attorney: JEANNE SNIDER
PO BOX 370
NORMAN, OK 73070

I do hereby certify that the above and foregoing is a true and correct copy of the original order signed by the Judge herein. Witness by my hand and the official seal of this Commission on this date.

Norma McRae
Commission Clerk
October 25, 2023



Rickey J. Gourley II v. City of Norman
 CM-22-06328 E (L. Shoulder, L. Arm)
 Atty: John Colbert
 City Council Date 11/14/23

Date of Injury: 8/18/22 (SI)
 PPD Wage: \$360

Trial Date: 9/21/23 Order Date: 9/26/23
 DOH: 10/27/14 DOR: NA

Memo
 Resolution N/A
 Purchase Requisitions

Permanent Partial Disability Settlement

\$ 19,440.00 28% L Shoulder (Body As a Whole)
 \$0 0% L Arm

Total Award (PPD)

\$ 19,440.00

Per Order:
Commencing: 4/3/23

Due and Payable in a Lump sum:

25 wks + 2 days accrued @ \$360 =
 7 Add'l Wks + 2 days Processing @ \$360
 Attorney Fee

\$ 9,144.00
 \$ 2,664.00
 \$ 3,888.00
 \$ 15,696.00

Weekly Installments:
 \$19,440.00-\$15,112.80
 \$4,327.20@\$360/wk=
 12 Weeks:
 Checks (11/24/23 - 2/10/24)

Less MITF Assessment (3% of PPD-After 7/1/19)

\$ 583.20 11739 4333010242134
 \$ 15,112.80 Colbert/Gourley 4333010242131

Total Lump Sum Payment

City's Settlement Costs (953-092)

Workers Comp. Admn. Fund (2% of PPD)
 Occupational & Health Trust Fund (0.75%)
 Filing Fee - Workers Compensation Commission

	Vendor	
\$ 388.80	2267	4333010242133
\$ 145.80	1950	4333010242135
\$ 140.00	12122	4333010244704
\$ 674.60	11734	

Filing Fee - Cleveland County District Court

\$ 154.14 434 4333010244703

Total Costs & Fees to the City of Norman

\$ 828.74

Total Settlement Cost

\$ 20,268.74

Settlement forms:

Copies Filed in WCC Filed in Dist.Ct.

Court Award
 Affidavit of Foreign Judgment
 Assignment of Judgment
 Checks with case name on them

4		n/a
4	n/a	
4	n/a	
1	n/a	n/a

File Closing procedure

Certified Copy of JP
 File Affidavit & Assigment in District Court
 Send Closing Letter to Claimant's Attorney
 Send in Taxes to Tax Commission
 Send Tax Roll Memo to Finance
 Log onto Legal's tracking spreadsheet
 Index in file list & place in storage

Completion
Date
 n/a

RICKEY J. GOURLEY II
CM 2022-06328 E
(Left Shoulder, Left Arm)

PAYMENT SCHEDULE

DESCRIPTION	AMOUNT
PPD:	
(15% Left Shoulder)	\$19,440.00
(0% Left Arm)	<u>\$0.00</u>
Total Award	\$19,440.00
Lump Sum Payment:	
Accrued 25 weeks, 2 days @ \$360 (per Order)	\$9,144.00
<u>7</u> Add'l wks, 2 days @ \$360 City Council/Finance Processing	\$2,664.00
Attorney's Fee (per Order)	<u>\$ 3,888.00</u>
	\$15,696.00
<u>Less Multiple Injury Trust Fund (3% of PPD-After 7/1/19)</u>	<u>(\$ 583.20)</u>
Total Lump Sum to Claimant & Attorney	<u>\$15,112.80</u>
Balance to be paid in weekly payments until paid	\$19,440.00
	<u>\$15,696.00</u>
	\$ 3,744.00

The balance of the Order, \$3,744 will be paid in weekly payments of \$360/week until paid in full. Payments will be made beginning November 24, 2023.

Also, as noted, in Paragraph Nos. 7, 8, and 9 of the Order, the City will incur additional costs, fees and filing fee in Cleveland County as follows:

DESCRIPTION	AMOUNT
Workers' Compensation Admin Fund Tax	\$ 388.80
Special Occupational Health & Safety Fund Tax	\$ 145.80
Filing Fee (Workers' Comp Court)	\$ 140.00
Filing Fee (Cleveland County District Court)	<u>\$ 154.14</u>
Total costs & fees to the City of Norman	\$ 828.74

The total cost of this Order to the City would be **\$20,268.74**.

File Attachments for Item:

14. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF A REQUEST FROM THE NORMAN HOUSING AUTHORITY TO WAIVE THE PAYMENT IN LIEU OF TAXES (PILOT) IN THE AMOUNT OF \$23,070.76, FOR FISCAL YEAR ENDING (FYE) 2023.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: Brenda Hall

PRESENTER: Brenda Hall, City Clerk

ITEM TITLE: CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF A REQUEST FROM THE NORMAN HOUSING AUTHORITY TO WAIVE THE PAYMENT IN LIEU OF TAXES (PILOT) IN THE AMOUNT OF \$23,070.76, FOR FISCAL YEAR ENDING (FYE) 2023.

INFORMATION:

The Norman Housing Authority was established in 1974 pursuant to 63 Okla. Statutes Section 1051 et. seq. The mission of the Norman Housing Authority is to provide affordable housing opportunities for low income, handicapped, and elderly citizens of Norman. The Norman Housing Authority operates, among others: Rose Rock Villa located on North Berry Road; Redbud Village, a complex located north of West Rock Creek Road and east of 36th Ave. N.W.; Colonial Estates complex on East Lindsey Street; Jamestown on Vicksburg Court; Crystal Heights on Wren Street and Skylark Court; as well as several other collaborative projects throughout the city including McKinzie Gardens (providing independent living housing units for those with persistent mental illness) and NorthCliff Gardens (providing independent living facilities for the disabled).

Because the Norman Housing Authority is a non-profit entity created under Oklahoma Statutes, they are exempt from payment of most taxes and fees. However, the statutes require these types of entities to make Payments In Lieu Of Tax assessments (PILOT). The PILOT is determined based on the rental income and utility expenses of the Norman Housing Authority. The City entered into a Cooperation Agreement with the Housing Authority and Norman Public Schools in March 1979. This Agreement requires that the annual PILOT be split between the City of Norman and Norman Public Schools. The item coming before Council is a request that the PILOT fees due to the City of Norman be waived for FYE 2023.

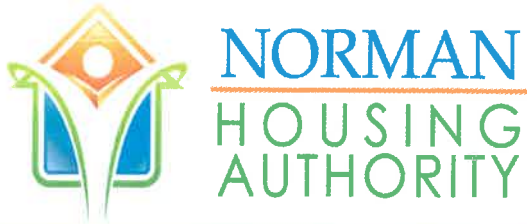
DISCUSSION:

On an annual basis, prior Councils have considered waiving PILOT payments in recognition of the Norman Housing Authority's efforts toward providing affordable public housing to the citizens of Norman. It has also been pointed out in the Norman Housing Authority request letter that they have been required to absorb funding cuts from the Department of Housing and Urban Development. For the fiscal year ending on June 30, 2023, the total PILOT due is \$46,141.52. Of that, \$23,070.76 is owed to the City. The Norman Housing Authority is requesting that the

PILOT payment of \$23,070.76 to the City of Norman be waived.

RECOMMENDATION:

As in prior years, in accordance therewith, the above-described item is submitted for City Council's consideration. Staff will be available to answer questions or address concerns.



700 N. Berry Road, Norman, OK 73068

Item 14.

Phone 405-329-0933

Fax 405-329-2542

"Affordable Housing...with Vision"

October 26, 2023

City of Norman
P.O. Box 370
Norman, OK 73070

Dear Mayor Heikkila:

The purpose of this letter is to request the waiver of the Norman Housing Authority's Payment In lieu of Taxes (PILOT) for fiscal year ended 06/30/23; but I would first I want to thank the City Norman for their continuing support and for the waiver of our PILOT over the past several years. Please know the PILOT assists in paying the utilities and insurance for our properties; and as you know those costs have skyrocketed each year.

The PILOT is based on our rental income and utility expenses. As per the Cooperation Agreement signed in March 1979 between the City of Norman and the Housing Authority, one half of the payment goes to the City of Norman and the other half to the Norman Public Schools.

I have attached a copy of the Computation of Payments in Lieu of Taxes for your information. You will notice the full PILOT is \$46,141.52. Of the full PILOT, \$23,070.76 is owed to the City of Norman. The remaining \$23,070.76 is owed and will be paid to the Norman Public School system.

We are requesting the City of Norman waive the \$23,070.76 owed by the Norman Housing Authority.

Your favorable consideration of our request will be greatly appreciated by the NHA Board of Commissioners, Staff, and the families, elderly, and disabled population we serve.

Sincerely,

Karen Canavan
Executive Director

Board of Commissioners

Jeff Cummins, Chairperson, Marianne Ratliff, Vice-Chairperson

Peggy Stockwell, Commissioner, Lee Lawrence, Commissioner, Rick McKinney, Commissioner

Karen S. Canavan, Executive Director

Computation of Payments in Lieu of Taxes

U.S. Department of Housing and Urban Development Office of Public and Indian Housing

For Fiscal Year Ended

6/30/2023

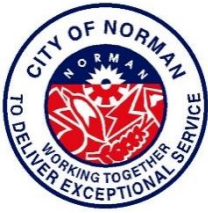
OMB Approval No. 2577-0072 (Exp. 11/30/2007)

Public reporting burden for the collection of information is estimated to average .4 hours. This includes the time for collecting, reviewing, and reporting the data. The information will be used for HUD to ascertain compliance with requirements of Section 6(D) of the U.S. Housing Act, which provides for PHA exemptions from real and personal property taxes, and inclusion in the formula data used to determine public housing operating subsidies. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control Number.

Name of Local Agency: Norman Housing Authority	Location: Norman, Oklahoma	Contract Number:	Project Number: OK139
Part I - Computation of Shelter Rent Charged.			
1. Tenant Rental Revenue (FDS Line 703)		\$	555,224.59
2. Tenant Revenue Other (Excess utilities)		\$	-
3. Total Rental Charged (Lines 1 & 2)		\$	555,224.59
4. Utilities Expense (FDS Line 931 - 939)		\$	93,809.40
5. Shelter Rent Charged (Line 3 minus Line 4)		\$	461,415.19
Part II - Computation of Shelter Rent Collected. (To be completed only if Cooperation Agreement provides for Payment of PILOT on basis of Shelter Rent Collected.)			
1. Shelter Rent Charged (Line 5 of Part I, above)		\$	461,415.19
2. Add: Accounts Receivable - Tenants (FDS Lines 126, 126.1, & 126.2) at beginning of fiscal year			
3. Less: Tenant Bad Debt Expense (FDS Line 964)			
4. Less: Accounts Receivable - Tenants (FDS Lines 126, 126.1, & 126.2) at end of fiscal year			
5. Shelter Rent Collected (Line 1 plus Line 2 minus Lines 3 & 4)		\$	461,415.19
Part III - Computation of Approximate Full Real Property Taxes.			
(1) Taxing Districts	(2) Assessable Value	(3) Tax Rate	(4) Approximate Full Real Property Taxes
Total			
Part IV - Limitation Based on Annual Contribution. (To be completed if Cooperation Agreement limits PILOT to an amount by which real property taxes exceed 20% of annual contribution.)			
1. Approximate full real property taxes			
2. Accruing annual contribution for all projects under the contract			
3. Prorata share of accruing annual contribution*			
4. 20% of accruing annual contribution (20% of Line 3)			
5. Approximate full real property taxes less 20% of accruing annual contribution (Line 1 minus Line 4, if Line exceeds Line 1, enter zero)			
<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: left;"> <p>PAID</p> <p>CK. NO. 31921 / 13761</p> <p>DATE 10-26-2023</p> <p>\$ 23,070.76</p> </div> <div style="text-align: right;"> <p>OP.</p> <p>Pd to NPS</p> </div> </div>			
Part V - Payments in Lieu of Taxes			
1. 10% of shelter rent (10% of Line 5 of Part I or 10% of Line 5 of Part II, whichever is applicable)**	City of Norman \$ 23,070.76	\$	46,141.52
2. Payments in Lieu of Taxes (If Part IV is not applicable, enter the amount shown on Line 1, above, or the total in Part III, whichever is the lower. If Part IV is applicable, enter the amount shown on Line 1, above, or the amount shown on Line 5 of Part IV, whichever is lower.)	Norman Public Schools \$ 23,070.76	\$	46,141.52
* Same as Line 2 if the statement includes all projects under the Annual Contributions Contract. If this statement does not include all projects under the Annual Contributions Contract, enter prorata share based upon the development cost of each project.			
** If the percentage specified in the Cooperation Agreement or the Annual Contributions Contract with HUD is lower, such lower percentage shall be used.			
Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802).			
Prepared by: Ronald Urlaub		Approved By:	
Name:		Name:	
Title: Fee Accountant		Title:	
Date: 6/30/23		Date:	

File Attachments for Item:

15. CONSIDERATION OF ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF A REBATE PAYMENT IN THE AMOUNT OF \$348 FROM THE PEPSI BEVERAGES COMPANY TO THE NORMAN MUNICIPAL AUTHORITY FOR THE EXCLUSIVE SALE OF PEPSI PRODUCTS AT THE WESTWOOD GOLF COURSE AND WESTWOOD FAMILY AQUATIC CENTER AND BUDGET TRANSFER AS OUTLINED IN THE STAFF REPORT.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: Jason Olsen, Director of Parks and Recreation

PRESENTER: Jason Olsen, Director of Parks and Recreation

ITEM TITLE: CONSIDERATION OF ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF A REBATE PAYMENT IN THE AMOUNT OF \$348 FROM THE PEPSI BEVERAGES COMPANY TO THE NORMAN MUNICIPAL AUTHORITY FOR THE EXCLUSIVE SALE OF PEPSI PRODUCTS AT THE WESTWOOD GOLF COURSE AND WESTWOOD FAMILY AQUATIC CENTER AND BUDGET TRANSFER AS OUTLINED IN THE STAFF REPORT.

BACKGROUND:

On February 26, 2019, the Norman Municipal Authority entered into Contract Number K-1819-105 for the exclusive sale of Pepsi products at the Westwood Family Aquatic Center and the Westwood Golf Course. Pepsi Co.'s incentive package included a year-one signing bonus of \$10,000 and a developmental fund payment of \$7,000 annually in years two, three, four, and five. Additional incentives include 200 cases of free water, rebates of \$1.00 per gallon of fountain syrup purchased, and \$2.00 per case of 20 oz. bottles purchased. The total incentive package from Pepsi Co. is \$38,000 spread over five years.

DISCUSSION:

This incentive payment is for \$348 in rebates for purchasing Pepsi products sold at Westwood. The rebate incentive will be used for restaurant equipment upgrades to the concession area and kitchen.

RECOMMENDATION:

It is recommended that the NMA and City accept the incentive payment of \$348 from the Pepsi Beverage Company to be deposited into Westwood Fund, Concession-Restaurant revenue account (#297-345611). City staff further recommends appropriation of those funds to the Minor Equipment account (#29770035-43609) for various concession area improvements at the Westwood Golf Course Grill.



PepsiCo Distributor Partnership Beverage Agreement C

COF: 3749201

This Agreement ("Agreement") between, Bottling Group, LLC, on behalf of itself and its affiliates, operating as Pepsi Beverages Company, an operating unit of PepsiCo, Inc. ("PBC") and the Customer identified on the front page of this Agreement (the "Customer"), sets forth the agreement of the parties with respect to the purchase of Products.

- 1. Definitions. As used in this Agreement, the following capitalized terms shall have the respective meanings assigned thereto below.
a. "Agreement Year" shall mean each twelve-month period beginning with the Agreement Start Date.
b. "Cases" shall mean the cases of bottle and can Products (24 units per case) purchased by the Customer.
c. "Equipment" shall mean all coolers, fountain and other beverage dispensing equipment loaned or rented to the Customer by PBC during the Term.
d. "Gallons" shall mean the gallons of postmix Products purchased by the Customer.
e. "Outlet" shall mean the Customer's outlet located at the address indicated under the Customer information section, and any expansions thereof, including any restaurant, outlet or other facility in the Customer's system that may be opened or acquired by the Customer within PBC's bottling territory during the Term (the "Outlets").
f. "Products" shall mean beverage products (including postmix or bottle and can ("B&C")) manufactured, sold, or distributed by PBC or any other beverages otherwise authorized by PBC for purchase and resale through Equipment provided by PBC, all of which may be amended by PBC from time to time.
g. "Term" The term of this Agreement shall be for the period commencing on the Agreement Start Date and expiring on the Agreement End Date as indicated on the front page and/or "Volume Based Term" section of this Agreement, unless sooner terminated or extended as provided herein.

2. Consideration. In consideration of the rights granted in this Agreement, and provided the Customer is not in breach of this Agreement, PBC shall provide the Customer the following - if applicable as indicated on the first page of this Agreement:

- a. Equipment. PBC or one of its affiliates shall retain all right title and interest in the Equipment. Subject to compliance with installation requirements, PBC shall deliver and install the Equipment at the approved designated Customer location, provided that Customer shall make available necessary electrical and plumbing facilities as required by city, state and Federal regulations.
b. Funding. As set forth in this Agreement, Funding, as applicable, may consist of: (1) an Upfront Development Fund payment in the amount indicated in this Agreement, payable as specified herein and earned over the duration of the Term as stated below; (2) Rebates payable for applicable Cases or Gallons or Products purchased by Customer from PBC during the applicable funding period; (3) a one-time only Signing Bonus in the amount indicated in this Agreement, payable within ninety (90) days of the later of installation of Equipment or signing of this Agreement by both parties; and (4) such other consideration as indicated on the first two pages of this Agreement, including that based on exclusive/non-exclusive status of the Customer.
c. The Customer acknowledges and agrees that all consideration set forth herein is to be earned by the Customer based on its full compliance with the terms, and requirements of this Agreement and PBC shall provide such consideration provided the Customer (1) has paid in full, without offsets, auto or other deductions, all invoices for Products delivered to the Customer, and (2) is not in breach of its obligations under this Agreement.

3. Product Price. Prices for Products (including for Ancillary Products, if applicable) shall be determined by the applicable Distributor.

4. General Terms

- a. Breach and Termination. In the event either party breaches a provision of this Agreement, the non-breaching party shall give the other party written notice of such breach. Upon receipt of such written notice, the breaching party shall have thirty (30) days to cure such breach.
b. Remedies. If PBC terminates this Agreement due to Section 4(a) above or Customer terminates this Agreement for any reason other than default by PBC, then in addition to any other remedies to which PBC may be entitled by reason of any breach, Customer shall immediately reimburse PBC for the following: (i) an amount representing reimbursement for the cost of installation and removal of the Equipment provided to Customer by PBC pursuant to this Agreement; and (ii) Customer shall reimburse PBC for a prorated portion of any funding or upfront payment advanced by PBC and not earned by Customer as of the time of termination, with such prorated amount based upon the number of remaining months in the Term as of the date of termination if the Agreement has a time-based duration, or based upon the number of outstanding Gallons/Cases remaining to be purchased as of the date of termination, as applicable if the Agreement has a later of time or Gallons/Cases duration; and (iii) an amount as liquidated damages, for lost sales suffered by PBC as a result of such termination, equal to the sum of: (1) the product of \$5 multiplied by the projected number of Gallons of Postmix, LCT and FB Products that Customer would have been expected to purchase during the remainder of the Term based on the Customer's average annualized purchase rate; and (2) the product of \$10 multiplied by the projected number of 24-pk case equivalents of Packaged Products that Customer would have been expected to purchase during the remainder of the Term based on Customer's average annualized purchase rate.
c. Failure to meet Minimum Thruput Requirement. Throughout the Term, if Customer purchase trends reasonably indicate that Customer cannot achieve the average Cases/Gallons as indicated on the front page of this Agreement, then PBC shall have the right to remove Equipment completely and terminate this Agreement pursuant to Section 4(a), or substitute/adjust Equipment placement(s) as deemed reasonably necessary by PBC.
d. Equipment upon Expiration or Termination of this Agreement. If this Agreement is terminated or expires and the parties do not enter into a subsequent agreement, then the Customer shall fully cooperate with PBC to insure that PBC is able to pick up its Equipment.
e. Right of Offset. PBC reserves the right to withhold payments due hereunder as an additional remedy for breach, or as an offset (partial or whole) against any amounts not paid by Customer to PBC pursuant to this Agreement, including the payments set forth in Sections 4(b) and 4(d), above.
f. Customer Representation. Customer represents and warrants to PBC that the execution, delivery and performance of this Agreement by Customer will not violate any agreements with, or rights of, third parties.
g. Non-Disclosure. Except as may otherwise be required by law or legal process, Customer shall not disclose to unrelated third parties the terms and conditions of this Agreement without the written consent of PBC.
h. Assignment/Acquisition. The Customer shall not sell, assign, transfer or otherwise encumber any interest in the Agreement without prior written consent of PBC.
i. Unauthorized Reselling and/or Transshipment. PBC reserves the right to limit quantities, deduct/withhold funding, charge transshipment fines, or terminate this Agreement immediately (i.e., without notice/cure period) if the Customer resells Products in a manner not authorized by this Agreement, including to other resellers/distributors or for direct/indirect sale outside of the PBC Location's exclusive bottling territory.
j. Right of First Refusal. Upon expiration or termination of this Agreement, if the parties have not entered into a new agreement, the Customer shall be free to enter into discussions/negotiations with third parties except that Customer shall grant Pepsi the absolute right of first refusal to match any bona fide offers made by a third party with respect to Beverage sales at the Outlets.
k. Trademarks. PBC shall have final authority to review and approve, in its sole discretion, all aspects of any advertising or promotion provided for under this Agreement, including any and all promotional or other materials utilizing PepsiCo trademarks, and no documents, point of sale, coupons, sell sheets, etc. shall be released without PBC's prior written approval.
l. Indemnification. Customer shall defend and indemnify PBC against all costs, expenses, claims or losses incurred through claims of third parties resulting from Customer's breach of the terms and conditions of this agreement as well as any claims for damages based on personal injury, death or property damage due to Customer's actions and/or omissions, including but not limited to any claims related to Customer's misuse of (and/or failure to adhere to) PBC's quality and handling requirements related to PBC's Equipment, Products or IP/Trademarks.
m. Entire Agreement. This Agreement contains the entire agreement between the parties hereto regarding the subject matter hereof and supersedes all other agreements between the parties, including prior funding commitments relating to the purchase of the Products by Customer. This Agreement may be amended or modified only by a writing signed by each of the parties.

Signature table with columns for Pepsi Beverages Company and Customer, including Signature and Date fields.



Item 15.

PepsiCo Distributor Partnership Beverage Agreement C

Customer Information

Name of Business: NORMAN MUNICIPAL AUTHORITY
 CITY OF NORMAN PARKS AND RECREATION

Primary Contact: JASON OLSEN

Address: 201 W. GRAY BLDG C

City: NORMAN

State: OK

Zip: 73070

Customer E-mail: _____

COF Number(s): 3749201

(Include all numbers) _____

Fed Tax Id #: _____

State Tax Id #: _____

Business Phone: 405-366-5479 **Cell #:** _____

Business Owner: _____

PBC Information

Agreement Term

PBC Location(s): OKLAHOMA CITY OK **Agreement Start Date:** 10/1/2018

Created By: Silas Stewart **Route #:** _____ **Agreement End Date**:** Later Of 9/30/2023

PBC Market Unit: OKLAHOMA MKT **Phone #:** 4052696842 **Or Volume Threshold:** 15,000

Sales Method: Authorized FS Distributor (Distributor Name: _____) (Agreement automatically renews each year unless Cancellation is received at least ninety (90) days prior to the end of the term)

(Check Boxes and Specify, as applicable)

PBC Agrees To:

<input checked="" type="checkbox"/>	Loan at no charge (except where prohibited by law - in which event PBC shall charge the minimum legal rental fee allowed), where and as necessary coolers, fountain or other equipment to the Customer, to be placed and operated pursuant to the terms and conditions of this Agreement (as specified on reverse side).
<input checked="" type="checkbox"/>	Initial Equipment Placement shall be as follows (fill out as applicable): Coolers: One-Door Two-Door Three-Door Counter-top Energy Fountain: 6 Valve 8 Valve Bar guns (button) Special: Lipton Refreshing Iced Tea Juice Frozen Slush FUB Unit Other (Specify): _____
<input checked="" type="checkbox"/>	Provide, at no additional charge to the Customer (except where prohibited by law), periodic maintenance, necessary service and repairs to all Equipment loaned to Customer pursuant to this Agreement.
<input checked="" type="checkbox"/>	Authorize the above referenced Distributor to make available for purchase by Customer, the beverage Products and branded cups as listed below (subject to availability) at prices to be determined by such Distributor.
<input type="checkbox"/>	** Provide Customer with the opportunity to participate as a Basic Level Member of pepsi:rewards+plus **PBC expressly reserves the right to modify or eliminate the Pepsi Rewards+Plus program and/or its requirements at its sole discretion. PBC shall notify Customer of any such changes prior to implementation. * If unredeemed, earned points will expire after two years * Visit www.pepsirewardsplus.com for full program details
<input type="checkbox"/>	For additional local PBC Field input: 200 free cases of 16.9oz water or 12oz cans. Not to exceed \$1,000. Vending commission 30%

Customer Agrees To:

<input checked="" type="checkbox"/>	** Volume Based Term (Check box if applicable) * The Term of this Agreement shall commence on the Agreement Start Date listed above, and end on the later of: (1) 9/30/2023 or (2) the date on which Customer purchases of applicable Products from the Authorized FS Distributor meets or exceeds 15,000 Gallons/Cases.
<input checked="" type="checkbox"/>	EXCLUSIVITY - Customer agrees to exclusively serve the Products indicated below at the Outlet. The Products shall be the only beverages of their respective types sold, dispensed or otherwise made available, or in any way advertised, displayed, represented or promoted at or in connection with the Customer's Outlet.
<input type="checkbox"/>	NON-EXCLUSIVITY - Customer agrees to serve the Products indicated below at the Outlet, provided that Customer agrees that if PBC has provided Customer with fountain Equipment, Customer agrees to serve PBC's postmix Products exclusively at its Outlet.
<input checked="" type="checkbox"/>	Unless otherwise authorized by PBC, Customer shall purchase all its requirements for Products directly from the FS Distributor indicated above, and sell only those Products from the Equipment provided to the Customer by PBC. Unless approved by PBC, Customer shall not stock or serve any non-PBC Products (food or beverages) in Equipment.
<input checked="" type="checkbox"/>	Abide by the terms and conditions of this Agreement regardless of any change in suppliers to someone other than the Authorized FS Distributor above. Thus, in the event Customer ceases to do business with the Authorized FS Distributor, Customer shall provide PBC prompt notice and shall work with PBC to ensure that any new supplier of beverages will be able to provide Products to Customer in accordance with this Agreement (and thereby be substituted as the new Authorized FS Distributor). In the event that the proposed new supplier is not able to provide Customer with PBC's Products, then Customer shall notify such supplier that it cannot purchase its beverage requirements from said supplier and PBC shall use commercially reasonable efforts to notify and provide Customer with an alternative Sales Method (either via another authorized distributor or direct selling). In all such events, Customer shall be required to continue purchasing PBC Products pursuant to the terms of this Agreement and in accordance with any applicable terms and conditions pertaining to the alternative Sales Method as communicated to Customer by PBC or its agents.
<input checked="" type="checkbox"/>	REQUIRED PRODUCTS. Purchase, stock and distribute at least each of the Required Products (as specified below) at all times during the Term.

AGREED TO AND ACCEPTED BY:

For Pepsi Beverages Company	
Signature:	Date
Print Name	Title
For Customer	
Signature:	Date
Print Name	Title

Required Packages for this Agreement:

Fountain Postmix/BIB 6.5oz/9.5oz (RTD Coffee) 12oz Cans 16oz (AMP) 16.9oz 20oz (Sobe) Cups Other:

FOUNTAIN/POSTMIX SKU REQUIREMENTS: (Must carry minimum of Six from the selection of Fountain/Postmix Products carried by the Authorized FS Distributor)

Pepsi Dt Pepsi Mist Mountain Dew Brisk Tea Mug CF
 Dt Pepsi Dt Dew Mist Free Dr Pepper Crush Dt Dr Pepper
 Lipton Refreshing Iced Tea: Sweet, Unsweet, Other Frozen Slush
 Juice BIB Juice Cartridge

BOTTLE SKU REQUIREMENTS: Must Check One Level

(All shall be 16.9 oz bottles unless otherwise indicated)

Platinum: Must Purchase Pepsi, Dt Pepsi, Mist, Mountain Dew, Aquafina plus any three additional SKUs from brands below:

Gold: Must Purchase any five skus from brands below:

Silver: Must Purchase any three skus from brands below:

Pepsi, Diet Pepsi, Mountain Dew, Mist, Aquafina, Mug, Lipton, Life Water (20 oz), Starbucks RTD (9.5/6.5oz), AMP (16oz)

Comply with the Terms of this Agreement as specified or incorporated by reference herein, including all terms and conditions specified on the second page.

File Attachments for Item:

16. CONSIDERATION FOR APPROVAL, GRANTING, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EASEMENT E-2324-30: TO OKLAHOMA GAS AND ELECTRIC COMPANY FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO THE NORMAN EMERGENCY COMMUNICATIONS AND OPERATIONS CENTER AT 2801 EAST ROBINSON STREET.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: Major Brent Barbour, Norman Police Department

PRESENTER: Major Brent Barbour, Norman Police Department

ITEM TITLE: CONSIDERATION FOR APPROVAL, GRANTING, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EASEMENT E-2324-30: TO OKLAHOMA GAS AND ELECTRIC COMPANY FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO THE NORMAN EMERGENCY COMMUNICATIONS AND OPERATIONS CENTER AT 2801 EAST ROBINSON STREET.

BACKGROUND: The Norman Police Department has been overseeing construction of the new Emergency Communications and Operations Center (ECOC), located near the new Line Maintenance facility at 2705 East Robinson Street. The new facility will allow the City's Emergency Services to more efficiently accomplish their mission now and into the future with expected growth over the next 20 years.

Contract K-2122-88 with Crossland Construction Company was negotiated and approved on January 11, 2022, with an amendment approved on February 14, 2023, for Construction Manager at Risk (CMaR) service for a total amount of \$13,948,853 for the ECOC. The progress of the construction is now at the stage where electricity can be connected.

DISCUSSION: In order to provide electrical services to the site, Oklahoma Gas and Electric Company (OG&E) requires an easement to allow for sufficient working areas to operate, maintain, repair or replace facilities. The proposed easement is 10 feet in width and will provide sufficient working area without impacting the site.

RECOMMENDATION: Staff recommends granting of Easement E-2324-30 to Oklahoma Gas and Electric Company necessary for electrical service to the new Norman Emergency Communications and Operations Center at 2801 East Robinson Street.



NOVEMBER 2, 2023

NORMAN POLICE DEPARTMENT
ATTN: MAJOR BRENT BARBOUR
201-B WEST GRAY STREET
NORMAN, OK. 73069

RE: Easement for Norman Emergency Operations Center at 2801 East Robinson Street

Mr. Barbour;

Oklahoma Gas and Electric Company (OG&E) has been asked to provide electrical service to the new Emergency Operations Center on the east side of Norman. I contacted Josh Jacox with Crossland Construction Company, Inc. He informed me that you would be my point of contact.

Attached you will find an easement request for the new underground line. The description of this line appears on Exhibit "A", and a drawing showing the pathway of the line appears on Exhibit "B". I have also included a copy of the engineer's design. Please note, this is not part of the easement document.

If you approve of the drawing, please present this document at your next City Council meeting for signature. Review the following instructions to ensure that this easement will be legally correct and that there will be no delay in processing:

1. The city seal must be affixed.
2. The **date of signing** must match the **date of notarizing**.
3. The notary must fill in **all blanks** in the acknowledgement section and add the **notary seal**.
4. The **notary expiration date** must be later than the **date of notarizing**.

If you have any questions, or if anything will cause a delay in signing, please contact me at (405) 553-5174. Thank you so much for your help in this matter.

Sincerely,

A handwritten signature in black ink that reads "Timothy J. Bailey". The signature is written in a cursive style.

Timothy J. Bailey
Right-Of-Way Agent

AFTER RECORDING RETURN TO:
OGE ELECTRIC SERVICES
TIMOTHY J. BAILEY, M/C WNM-12
PO BOX 321
OKLAHOMA CITY OK 73101-0321

EASEMENT

Work Order #7710786

KNOW ALL MEN BY THESE PRESENTS: THAT **THE CITY OF NORMAN, a Municipal Corporation**, Grantor, in consideration of the sum of Ten or more dollars in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, does hereby grant and warrant unto **OKLAHOMA GAS AND ELECTRIC COMPANY**, an Oklahoma corporation, Grantee, its successors and assigns, the right, privilege and authority to enter upon and install, erect, operate, maintain, and reconstruct underground and/or above ground a system of conduits, wires, cables, vaults, junction boxes, switches, fuses, transformers, service connection boxes and other fixtures for the transmission and distribution of electrical current and communication messages, including the right of ingress and egress to and from said system across adjoining lands of Grantor, upon and across the following real property and premises, situated in Cleveland County, State of Oklahoma, to wit:

A part of the **SW/4, SECTION 22, T9N, R2W, I.M.**, being a part of a tract of land described in a deed recorded in Book 3798, Pages 537-539, at the County Clerk's office, as described in Exhibit "A" and shown on Exhibit "B", attached hereto and hereby made a part of this easement.

Grantor further covenants and agrees that no building or other structure shall ever be erected nor shall any excavation or other removal of soil, so as to change the grade of terrain, be accomplished by Grantor, its heirs or assigns, within the described easement area unless the written consent of the Grantee is first obtained. Grantor further acknowledges the requirements of 63 Oklahoma Statutes (2011) Section 142.1, et. seq. (One-call statute).

The rights and privileges above granted to continue so long as same are used or needed for the transmission and distribution of electric current or communication messages; but should the Grantee remove its property from the premises and abandon the right of way herein granted, then the rights granted in this easement shall terminate.

Approved this _____ day of _____, 2023, by the City of Norman.

THE CITY OF NORMAN, OKLAHOMA, a Municipal Corporation

City Seal

By: _____

Title: _____

CITY ACKNOWLEDGMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS;

Before me, the undersigned, a Notary Public, in and for said County and State, on this _____ day of _____, 2023, personally appeared _____, of The City of Norman, Oklahoma, a Municipal Corporation, to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that they executed the same as their free and voluntary act and deed of such city, for the uses and purposes therein set forth.

My Commission Expires: _____

Commission # _____

Notary Public

EXHIBIT "A"

To that certain easement from The City of Norman, Oklahoma, a Municipal Corporation to Oklahoma Gas and Electric Company.

An easement in the **SOUTHWEST QUARTER (SW1/4) OF SECTION TWENTY-TWO (22), TOWNSHIP NINE (9) NORTH, RANGE TWO (2) WEST** of the Indian Meridian, Cleveland County, Oklahoma, written by Timothy G. Pollard, PLS 1474, on October 18, 2023. Bearings are Based on an arbitrary bearing of N89°50'56"W, on the South Line of said SW1/4 and as shown on attached Easement Sketch, said easement further described as: being Ten (10) feet in width, Five (5.00) feet each side of a centerline described as follows:

COMMENCING at the SE corner of said SW1/4;

Thence N89°50'56"W, on the South Line of said SW1/4, for a distance of 910.59 feet;

Thence N00°12'42"W, for a distance of 33.00 feet, to the **POINT OF BEGINNING**;

Thence N00°06'01"E, on said centerline for a distance of 292.05 feet;

Thence S89°57'31"E, on said centerline for a distance of 148.82 feet, to the **POINT OF TERMINATION**.

EXHIBIT "B"

EASEMENT SKETCH

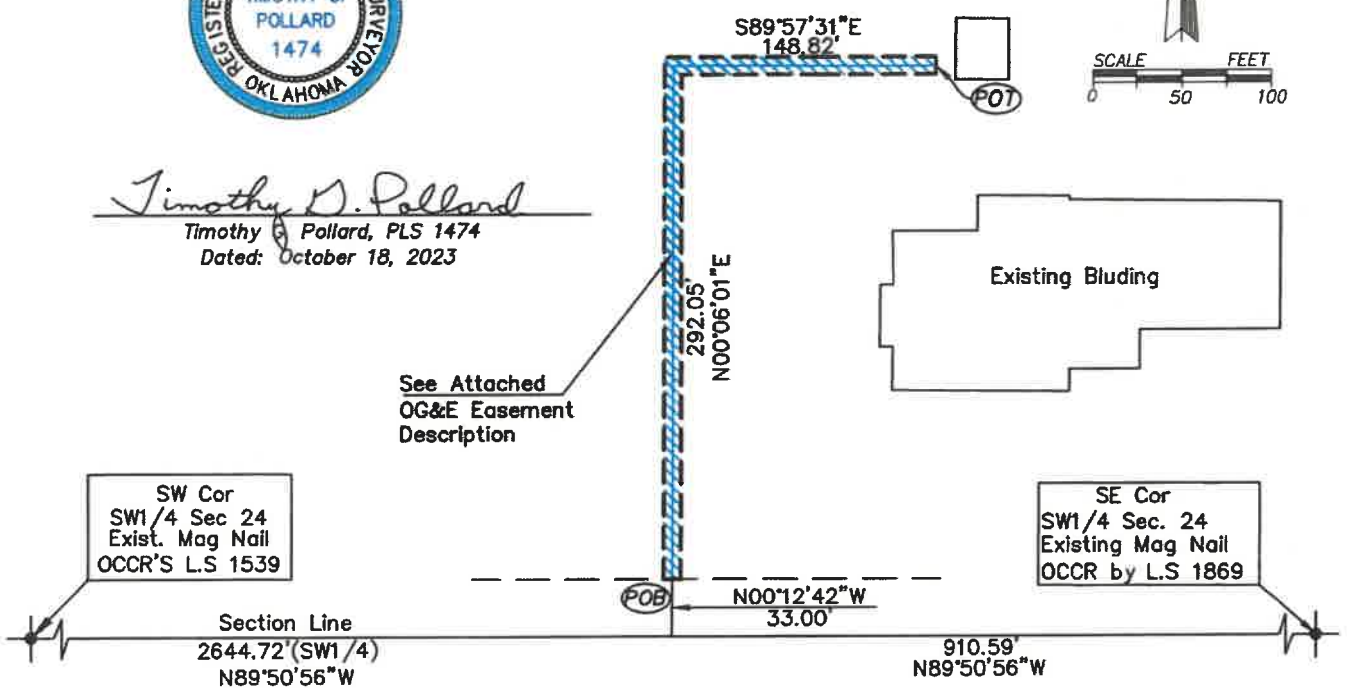
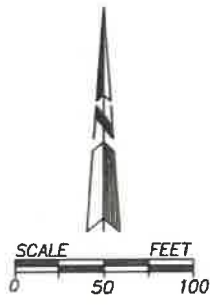
Note: Bearings Are Based On An Arbitrary Bearing Of N89°50'56"W Between Existing Monuments On The South Line Of The SW1/4 Sec 22. Cleveland County, Oklahoma.

- (●) - Indicates Existing Mag Nail Or Monument as Noted.
- (OCCR) - Indicates Oklahoma Certified Corner Recorded On File With Oklahoma Department Of Libraries Archives Division.

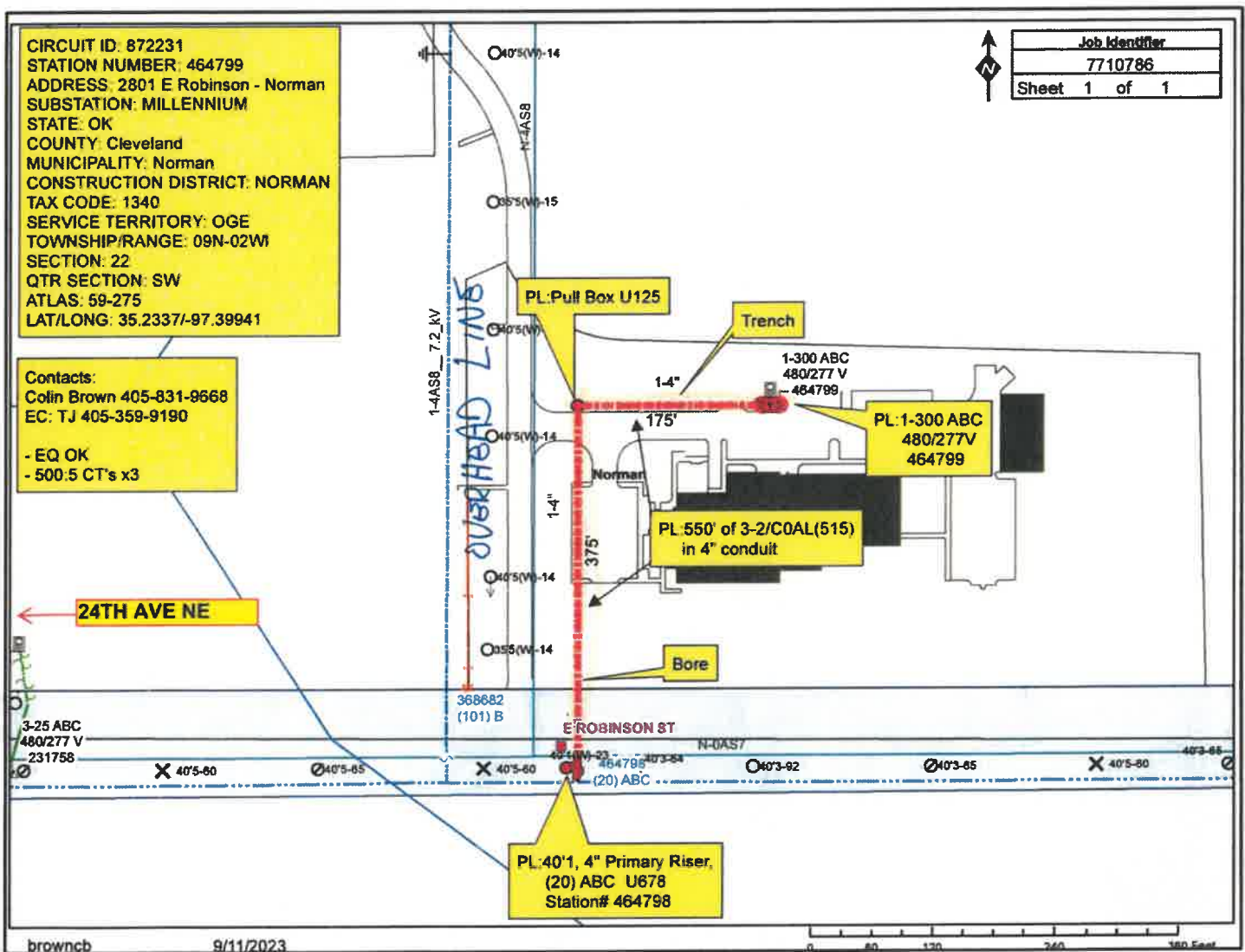
I, Timothy G. Pollard, a Professional Land Surveyor, hereby certify that the attached drawing is a true and accurate representation of the attached easement description and is subject to all notes and qualifying statements.



Timothy G. Pollard
 Timothy G. Pollard, PLS 1474
 Dated: October 18, 2023



OKLAHOMA GAS AND ELECTRIC COMPANY			
POLLARD & WHITED SURVEYING INC. 2514 TEE DRIVE, NORMAN, OKLAHOMA 73069 CA#2380 EXP 06-30-25 405-366-0001	OG&E EASEMENT SKETCH WO# 7710786 PART OF THE SW1/4 SEC. 22, T4N, R2W, I.M. CLEVELAND COUNTY, OKLAHOMA	REVISIONS:	
DRAWN BY: J. Sanders DATE: October 18, 2023	FILE #: 22-4N2W.ASC DATE: October 18, 2023	SCALE: 1" = 100'	
APPROVED BY: D. MEEKS DATE: October 18, 2023	DRWG #: 22-4N2W.DWG DATE: October 18, 2023	SHEET 1 OF 1	



File Attachments for Item:

17. CONSIDERATION OF ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF FP-2324-6 FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR FOOD AND SHELTER, SECTION 2, A PLANNED UNIT DEVELOPMENT. (GENERALLY LOCATED APPROXIMATELY 680 FEET SOUTH OF EAST MAIN STREET ON THE EAST SIDE OF REED AVENUE).



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: Ken Danner, Subdivision Development Manager

PRESENTER: Shawn O’Leary, Director of Public Works

TITLE: CONSIDERATION OF ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF FP-2324-6 FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR FOOD AND SHELTER, SECTION 2, A PLANNED UNIT DEVELOPMENT. (GENERALLY LOCATED APPROXIMATELY 680 FEET SOUTH OF EAST MAIN STREET ON THE EAST SIDE OF REED AVENUE).

BACKGROUND:

This item is a final site development plan and final plat for Food and Shelter, Section 2, a Planned Unit Development and is generally located approximately 680-feet south of East Main Street on the east side of Reed Avenue. The development is a 1.07 acres with one lot and the continuation of Food and Shelter services to the public.

City Council, at its meeting of October 26, 2021, adopted Ordinance No. O-2122-14, placing this property in the SPUD, Simple Planned Unit Development. In addition, City Council, at its meeting of October 26, 2021, approved the preliminary plat for Food and Shelter Phase 2, a Simple Planned Unit Development.

The Norman Development Committee, on October 11, 2023, approved the final site development plan and final plat and recommended the final site development plan and final plat for Food and Shelter Addition, Section 2, a Simple Planned Unit Development be submitted to City Council for consideration.

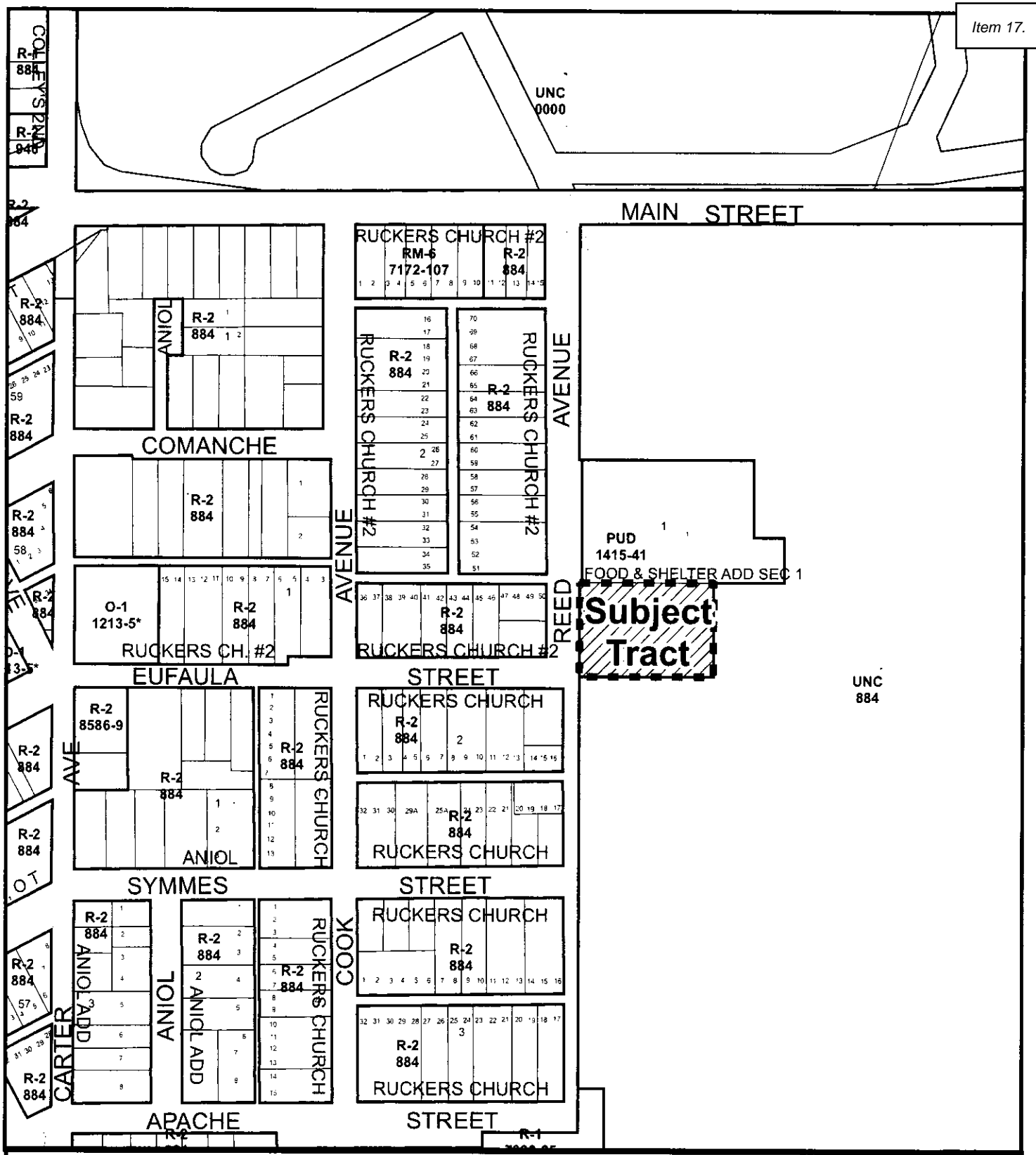
DISCUSSION:

The only public improvement with platting was the installation of a public sidewalk adjacent to Reed Avenue. The required sidewalk has been installed.

During the platting process, City Staff became aware that the public street fronting this platted property, Reed Ave, though improved and maintained over many years by the City of Norman, had not been formally dedicated for public purposes of-record. However, because Food and Shelter is not record owner of the necessary right-of-way fronting this platted parcel, City Staff has made arrangements for the necessary right-of-way to be deeded directly to the City as a conveyance separate of this final plat.

STAFF RECOMMENDATION:

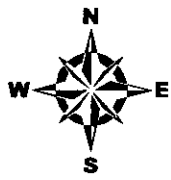
The final plat is consistent with the approved preliminary plat and completes the development at this time. Based on the above information, staff recommends acceptance of the public dedications and approval of the final site development plan and final plat. Staff further recommends that City Council direct execution and filing of the final site development plan and final plat upon staff's receipt of the Reed Ave right-of-way as a direct conveyance separate of this final plat.



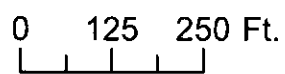
Location Map




Map Produced by the City of Norman
 Geographic Information System.
 The City of Norman assumes no
 responsibility for errors or omissions
 in the information presented.



June 8, 2021

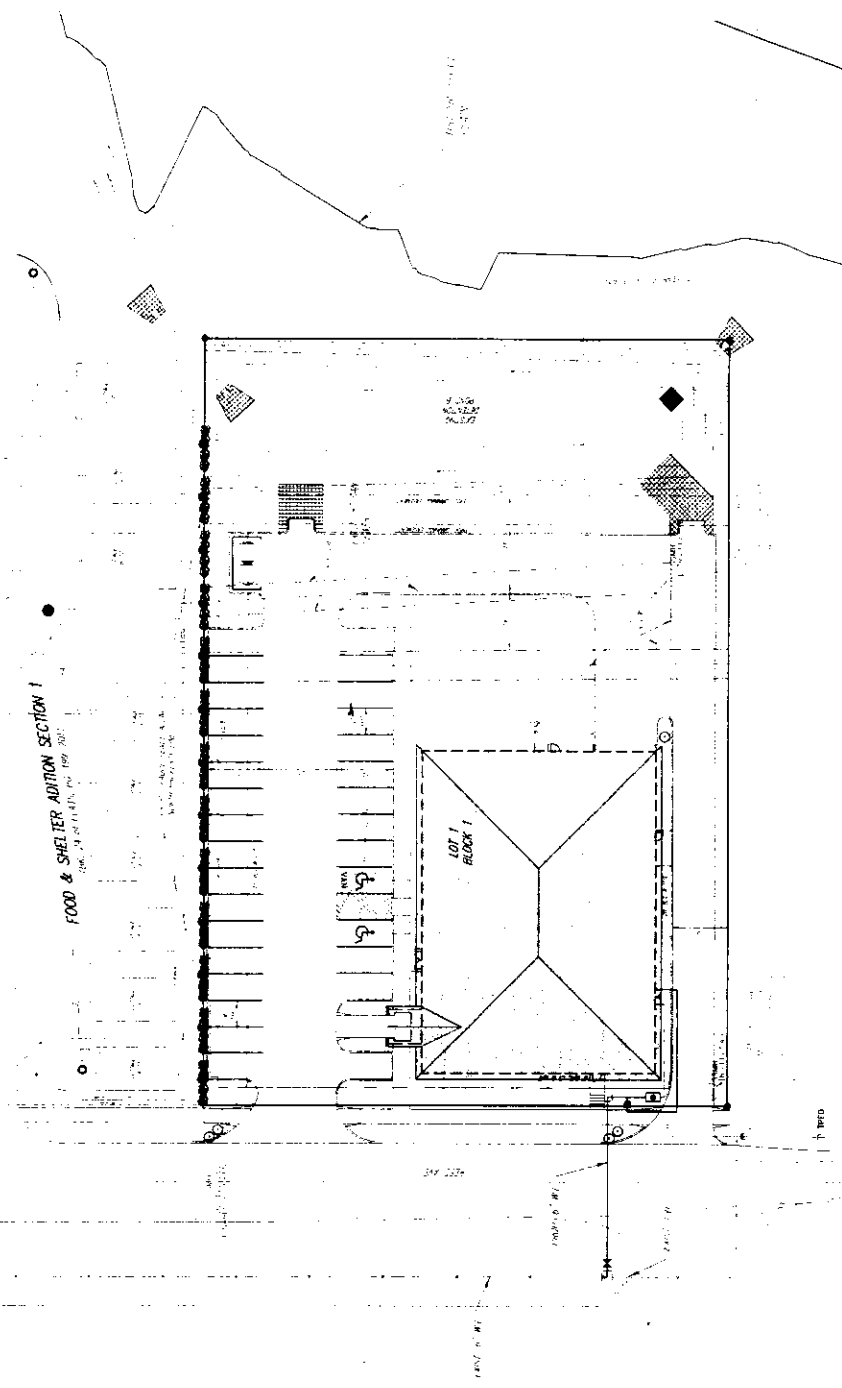
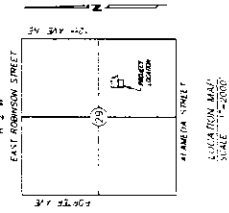


 Subject Tract

 Zoning

FINAL SITE DEVELOPMENT PLAN

FOOD AND SHELTER ADDITION SECTION 2
A PART OF THE S.E. 1/4, SECTION 29, T9N, R2W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA



MAIN STREET & REED AVE.
NORMAN, OKLAHOMA

FOOD AND SHELTER
ADDITION SECTION 2

SMC
S.M.C. Consulting Engineers, P.C.
1100 N. W. 10th St., Suite 100
Norman, Oklahoma 73061
Phone: (405) 833-1100
Fax: (405) 833-1101
www.smc-engineers.com

DATE: 11/11/10
SCALE: 1" = 20'
DRAWN BY: J. J. [unreadable]
CHECKED BY: [unreadable]
APPROVED BY: [unreadable]

FINAL SITE DEVELOPMENT
PLAN

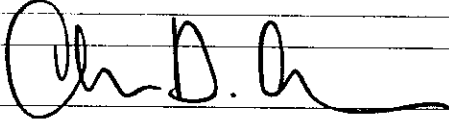
Item 17.

APPLICATION FOR
DEVELOPMENT COMMITTEE
ACTION

Date: 9/18/23

Part I: To be Completed by Applicant:

1. Applicant(s):
Food & Shelter Inc., an Oklahoma Corporation

Signature of Applicant(s):
Christopher D. Anderson, PE (as agent for applicant) 

Telephone Number and Address:
SMC Consulting Engineers, PC
815 W. Main Street
Oklahoma City, OK 73106 405.232.7715

2. Project Name and Legal Description:
Food & Shelter Addition Section 2

3. Action Request of Development Committee:
Request Development Committee approve the program of public improvements,
final plat and final site development plan and submit the final plat to City Council for consideration.

Part II: To Be Completed by Development Committee:

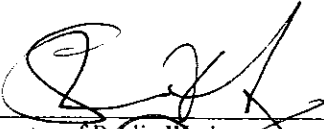
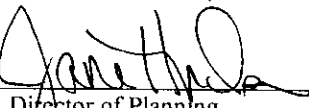
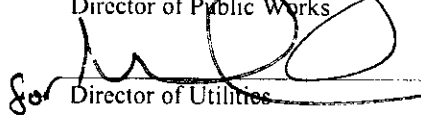
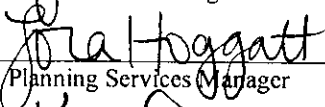

Development Committee Met on: October 11, 2023

Development Committee Findings:

The engineer for the owner has requested the Development Committee approve the program of public improvements, final site development plan and final plat and submit to City Council for consideration.

Development Committee Recommendations:

Recommend City Council approve the final site development plan and final plat for Food & Shelter Addition, Section 2, a Simple Planned Unit Development.

		Yes		No		Record of Acceptance:		Yes		No	
	Director of Public Works	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Director of Planning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Director of Utilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Planning Services Manager	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	City Engineer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Subdivision Development Manager	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DEVELOPMENT COMMITTEE

FINAL PLAT
FP-2324-6

DATE:
October 11, 2023

STAFF REPORT

ITEM: Consideration of a Final Site Development Plan and Final Plat for **FOOD AND SHELTER ADDITION SECTION 2, A SIMPLE PLANNED UNIT DEVELOPMENT.**

LOCATION: Generally located on the east side of Reed Avenue approximately 680' south of East Main Street.

INFORMATION:

1. Developer. Food and Shelter, Inc.
2. Engineer. SMC Consulting Engineers, P.C.

HISTORY:

1. This property has been previously owned by the State and contains no zoning but has been used as institutional.
2. June 11, 2015. Planning Commission, on a vote of 5-2, recommended to City Council that this property be placed in PUD, Planned Unit Development.
3. June 11, 2015. Planning Commission, on a vote of 5-2, recommended to City Council that the preliminary plat for Food and Shelter Addition, a Planned Unit Development be approved.
4. August 25, 2015. City Council adopted Ordinance No. O-1415-41 placing this property in PUD, Planned Unit Development.
5. August 25, 2015. City Council approved the preliminary plat for Food and Shelter Addition, a Planned Unit Development.
6. September 9, 2021. Planning Commission, on a vote of 6-0, recommended to City Council placing this property in the SPUD, Simple Planned Unit Development, and removing it from PUD, Planned Unit Development.
7. September 9, 2021. Planning Commission, on a vote of 6-0, recommended to City Council that the revised preliminary plat for Food and Shelter Phase 2 Addition, a Simple Planned Unit Development be approved.

- 8 October 26, 2021. City Council adopted Ordinance No. O-2122-14 placing this property in the SPUD, Simple Planned Unit Development and removing it from PUD, Planned Unit Development.
- 9, October 26, 2021. City Council approved the preliminary plat for Food and Shelter Phase 2 Addition, a Simple Planned Unit Development.

IMPROVEMENT PROGRAM:

1. Fire Hydrants. Fire hydrants are existing.
2. Permanent Markers. Permanent markers will be installed prior to City acceptance of street improvements.
3. Sanitary Sewers. Public sanitary sewer to the property is existing.
4. Sidewalks. Sidewalks will be constructed adjacent to Reed Avenue.
5. Storm Sewers. Drainage system is existing.
6. Streets. Reed Avenue is existing.
7. Water Mains. Water main is existing.

PUBLIC DEDICATIONS:

1. Easements. All required easements are dedicated to the City on the final plat.
2. Rights-of-Way. street right-of-way has been deeded to the City of Norman.

SUPPLEMENTAL MATERIAL: Copies of a location map, preliminary plat, final site development plan and final plat are included as attachments.

DEVELOPMENT COMMITTEE COMMENTS:

The engineer for the developer has requested the Development Committee approve the final site development plan and final plat for Food and Shelter Addition, Section 1, a Simple Planned Unit Development and submit it to City Council for consideration.

This proposal consists of 1.07 acres and one (1) lot. The applicant is proposing a food pantry.

The final plat is consistent with the approved preliminary plat.

ITEM: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF A FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR FOOD AND SHELTER PHASE 2 ADITION, A SIMPLE PLANNED UNIT DEVELOPMENT AND THE ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN.

LOCATION: Generally located 680' south of East Main Street on the east side of Reed Avenue.

INFORMATION:

1. Owner. Lennar Homes of Oklahoma, L.L.C.
2. Developer. Lennar Homes of Oklahoma, L.L.C.
3. Engineer. SMC Consulting Engineers, PC.

HISTORY:

1. Refer to the Norman Development Committee Staff Report, October 11, 2023.
2. October 11, 2023. The Norman Development Committee reviewed and approved the program of improvements, final site development plan and final plat for Food and Shelter Phase 2 Addition, a Simple Planned Unit Development and submit it to City Council for consideration.

IMPROVEMENT PROGRAM:

1. Refer to the Norman Development Committee Staff Report,
2. October 11, 2022.

PUBLIC DEDICATIONS:

3. Refer to the Norman Development Committee Staff Report, October 11, 2022.

SUPPLEMENTAL MATERIAL: Copies of an advisory memorandum, location map, preliminary plat, final site development plan, final plat, Staff Report recommending approval and Development Committee form are included in the Agenda Book.

ACTION NEEDED: Motion to approve or reject the final site development plan and final plat; and, if approved, accept the public dedications contained within the final plat; and direct the filing of the final site development plan and final plat and authorize the Mayor to sign the final plat subject to completion and the City Development Committee's acceptance of the public improvements or securing the public improvements through the concurrent construction process.

ACTION TAKEN: _____

File Attachments for Item:

18. CONSIDERATION FOR ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF FP-2324-7 FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR MCCOOP ABODE, A SIMPLE PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED SOUTH OF WEST LINDSEY STREET ON THE EAST SIDE OF SOUTH BERRY ROAD (1309 SOUTH BERRY ROAD).



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: Ken Danner, Subdivision Development Manager

PRESENTER: Shawn O’Leary, Director of Public Works

TITLE: CONSIDERATION FOR ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF FP-2324-7 FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR MCCOOP ABODE, A SIMPLE PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED SOUTH OF WEST LINDSEY STREET ON THE EAST SIDE OF SOUTH BERRY ROAD (1309 SOUTH BERRY ROAD).

BACKGROUND:

This item is a final plat for McCoop Abode Addition, a Simple Planned Unit Development generally located south of West Lindsey Street on the east side of South Berry Road (1309 South Berry Road).

The Norman Board of Parks Commissioners recommended fee in lieu of park land dedication at its meeting of April 6, 2023. City Council, at its meeting of May 23, 2023, adopted Ordinance No. O-2223-29 placing this property in the SPUD, Simple Planned Unit Development and removing it from R-1, Single-Family Dwelling District. In addition, City Council approved the preliminary plat for McCoop Abode Addition, a Simple Planned Unit Development. This final plat consist of 1.71 acres with two (2) residential lots.

The Norman Development Committee, at its meeting of October 11, 2023, reviewed and approved the program of improvements, final site development plan and final plat for McCoop Abode Addition, a Simple Planned Unit Development and recommended that the final site development plan and final plat be submitted to City Council for consideration. The Development Committee recommended deferral of street paving (bike lane) improvements in connection with South Berry Road.

DISCUSSION:

South Berry Road is classified as a minor urban arterial and special corridor. It is to remain two-lanes of traffic in this area. However, there is a requirement for additional widening for a bike lane. Staff is recommending deferral of paving for the bike lane

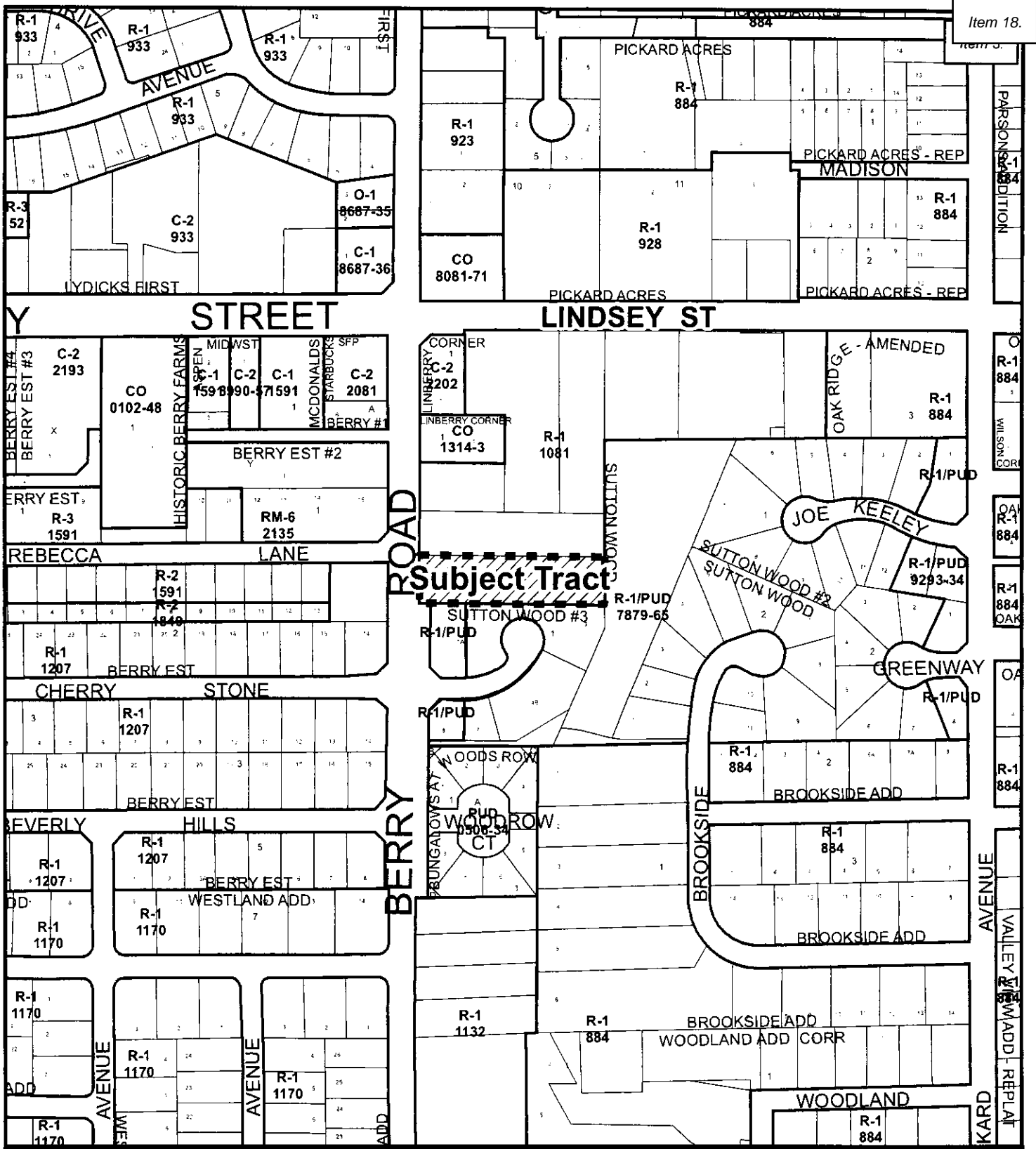
Construction plans have been reviewed by staff for the required public improvements for this property. Approximately 109-feet of street paving for a bike lane in connection with South Berry

Road is required. Section 30-602 b 1.2. (a)(b)(c) and (d) of the City Code establishes a method of deferring public improvements under the following situations: (a) where incompatible grades exist; (b) where there are inadequate or a lack of connecting facilities; (c) where construction of the improvement would not immediately function for its intended use; or (d) where such improvement would be replaced by a planned future project. The developer is required to post a certificate of deposit with the City in a special account to be used with any future paving project or at such time as development occurs adjacent to the property.

Construction plans have been reviewed by staff for the required improvements for this property. The improvements consist of sanitary sewer and sidewalks.

RECOMMENDATION:

The final plat is consistent with the preliminary plat. Based upon the above information, staff recommends approval of the final site development plan, final plat and the filing of the plat subject to receipt of \$10,689 for the deferral of street paving (bike lane) and completion and acceptance of all required public improvements and authorize the Mayor to sign the final plat.



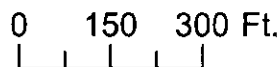
Location Map





Map Produced by the City of Norman Geographic Information System. The City of Norman assumes no responsibility for errors or omissions in the information presented.



March 3, 2023



-  Subject Tract
-  Zoning

ARC ENGINEERING
 Arc Engineering Consultants, LLC
 1309 S BERRY ROAD
 NORMAN, OKLAHOMA 73061
 PHONE (405) 208-0272
 FAX (405) 262-8848
 EMAIL: INFO@ARC-OK.COM
 WWW.ARC-OK.COM

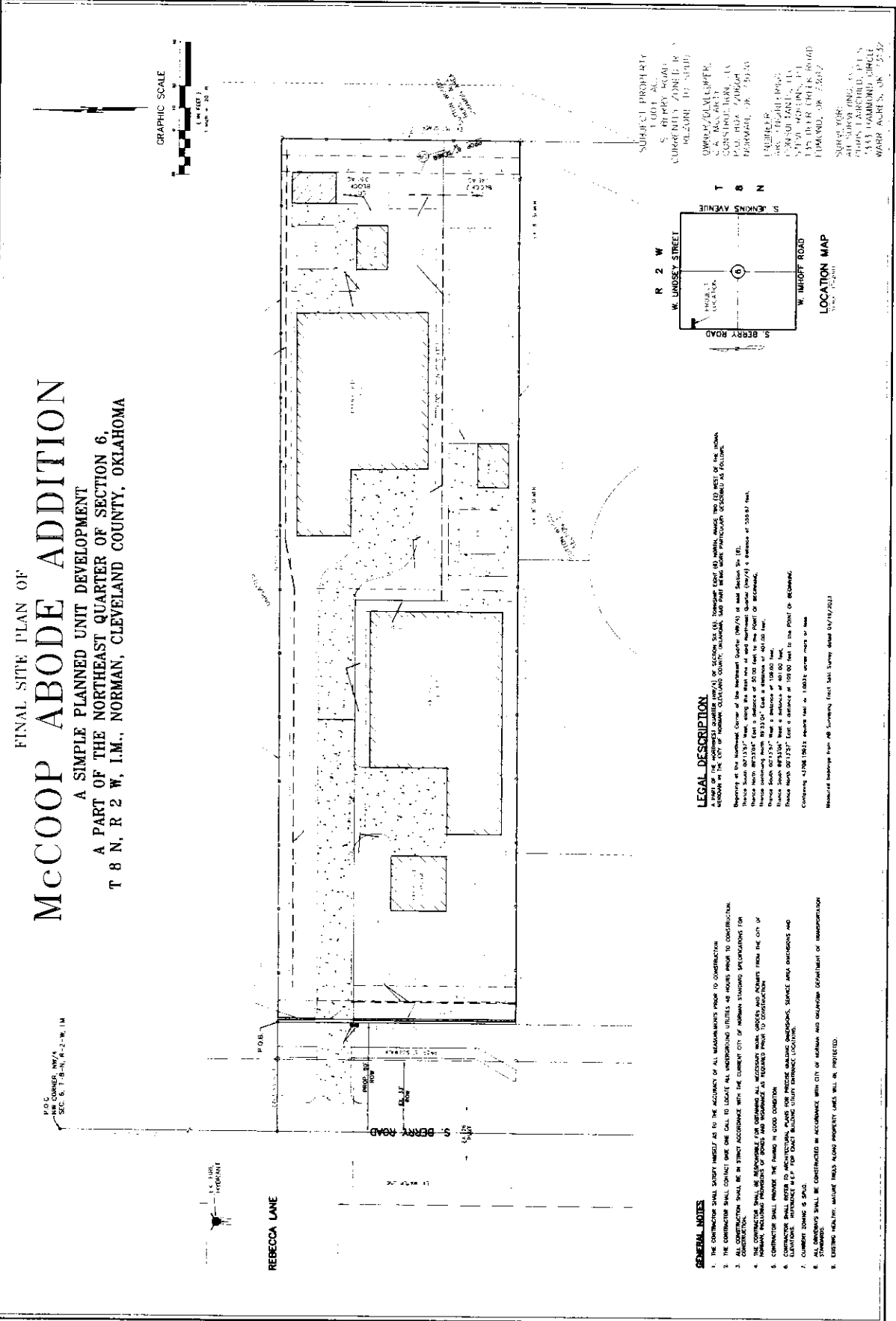
FINAL SITE PLAN
 McCOOP ABODE ADDITION
 1309 S BERRY ROAD
 NORMAN, CLEVELAND COUNTY, OKLAHOMA

NO.	DESCRIPTION	DATE

PROJECT NUMBER: 23-003
 DATE: 09-13-23
 (HORIZ) DATE: 09-13-23
 (VERT) DATE: N/A

SCALE: 1" = 20'


1 of 1





Date: October 11, 2023

To: Development Committee

From: Shawn O'Leary, Director of Public Works 

Subject: Deferral of Street Improvements (Bike Lane).
McCoop Abode Addition, a Simple Planned Unit Development

The McCoop Abode Addition, a Simple Planned Unit Development is generally located on the east side of Berry Road approximately 555' south of West Lindsey Street. As part of the required improvements, the developer would construct 6' street widening (bike lane) in connection with Berry Road. Berry Road is classified a minor urban arterial and special corridor. It is to remain two-lanes of traffic in this area. However, there is a requirement for additional widening for a bike lane.

It is recommended that the construction of these improvements be deferred under the provisions of Section 30-602b1,2(b)(c)(d) of the City Code. My recommendation for deferral is based on the fact these improvements would not immediately function due to the lack of connecting facilities and these improvements would more than likely be replaced by a future project.

If you need additional information, please feel free to contact me.

KID

cc: Darrel Pyle, City Manager
Jane Hudson, Director of Planning and Community Development
David Riesland, Transportation Engineer
Scott Sturtz, City Engineer

office memorandum



August 17, 2023

ATTN: Mr. Todd McLellan, P.E.
City of Norman

RE: **McCoop Abode Addition Berry Road Widening Deferral**

Dear Mr. McLellan,

Please see the estimated amounts below for the McCoop Abode Addition Berry Road Widening Deferral.

8' Pavement Widening w/ 6" Stabilized Base and 6" Curb & Gutter: 97 SY @ \$10,689.00 (\$110.20/ SY)

Total Deferral Cost (100%): **\$10,689.00**

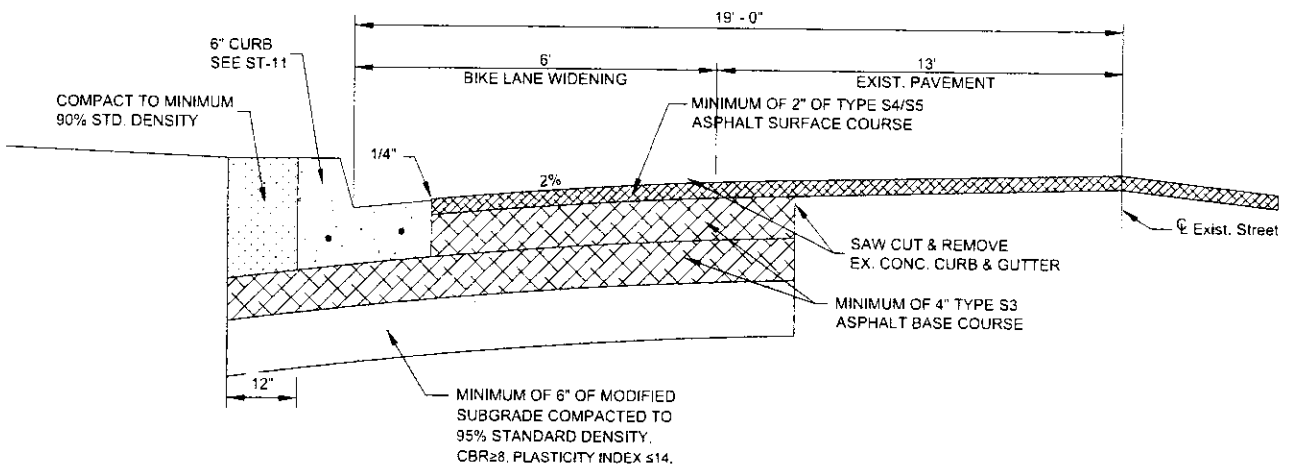
If you have any questions or comments, please feel free to contact me at the number listed below.

Respectfully,

Steve Rollins, P.E.
Arc Engineering Consultants, L.L.C.
405-509-0212
srollins@arcengr.com

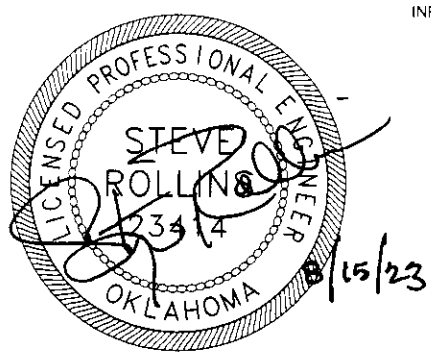
OK
EMM
8-25-23

RECEIVED
PW/ENG.
8-17-23



• TYPICAL SECTION •
BIKE LANE WIDENING ASPHALTIC CONCRETE PAVING

NOTES:
 PAVING SECTION SHOWN IS MINIMUM ALLOWED. STREET PAVING SHALL BE DESIGNED IN ACCORDANCE WITH THE CITY'S "ENGINEERING DESIGN CRITERIA".
 REFERENCE CURRENT VERSION OF THE CITY'S COMPREHENSIVE TRANSPORTATION PLAN AND ENGINEERING DESIGN CRITERIA FOR ADDITIONAL INFORMATION AND SECTION REQUIREMENTS.



D:\2023\23-003\Drawings\23-003 FINAL SITE PLAN.DWG

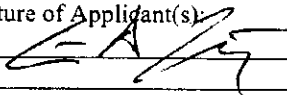
PROJECT NO. 23-003	DRAWN BY S.D.R.	 <p>Arc Engineering Consultants, LLC CIVIL ENGINEERING 135 DEER CREEK ROAD PHONE (405) 509-0212</p> <p>LAND PLANNING EDMOND, OKLAHOMA 73012 FAX (405) 562-8846</p> <p>CERTIFICATE OF AUTHORIZATION NO. 6290 EXP. 5/30/24</p>	<p>TYPICAL PAVING SECTION</p> <p>McCOOP ABODE ADDITION BERRY ROAD BIKE LANE WIDENING TYPICAL PAVING SECTION CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA</p>	SHEET 1 OF 1
DATE 08/15/23	APPROVED BY S.D.R.			
SCALE N.T.S.				

APPLICATION FOR
DEVELOPMENT COMMITTEE
ACTION

Date: 09-25-2023

Part I: To be Completed by Applicant:

- 1. Applicant(s):
C.A. McCarty Construction, LLC

- Signature of Applicant(s):


- Telephone Number and Address:
405-520-0333
717 26th NW, Norman, OK 73069

- 2. Project Name and Legal Description:
McCoop Abode Addition

- 3. Action Request of Development Committee:
Request approval of the program of public improvements, final site development plan and final plat and submit to City Council for consideration.

Part II: To Be Completed by Development Committee:


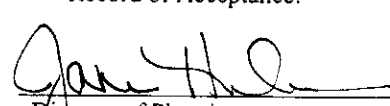
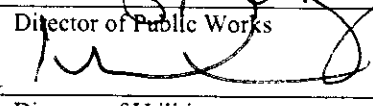
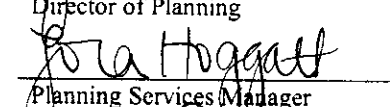

Development Committee Met on: October 11, 2023

Development Committee Findings:

The owner has requested the Development Committee approve the program of public improvements, final site development plan and final plat and submit to City Council for consideration. Included with the program of improvements is ~~street improvements (bike lane)~~. Staff is recommending deferral.

Development Committee Recommendations:

Recommend City Council approval deferral of street improvements, final site development plan and final plat for McCoop Abode Addition, a Simple Planned Unit Development.

		Record of Acceptance:				
		Yes	No	Yes	No	
	Director of Public Works	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>for</i> 	Director of Utilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____	City Engineer	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
		Subdivision Development Manager				

DEVELOPMENT COMMITTEE

FINAL PLAT
FP-2324-7

DATE:
October 11, 2023

STAFF REPORT

ITEM: Consideration of a Final Plat for MCCOOP ABODE, A SIMPLE PLANNED UNIT DEVELOPMENT.

LOCATION: Located at 1309 South Berry Road, (south of West Lindsey Street on the east side of South Berry Road).

INFORMATION:

1. Owners. C. A. McCarty Construction, L.L.C.
2. Developer. C. A. McCarty Construction, L.L.C.
3. Engineer. Arc Engineering Consultants.

HISTORY:

1. October 21, 1961. City Council adopted Ordinance No. 1081 annexing this property into the Corporate City Limits and placing it in the R-1, Single-Family Dwelling District.
2. April 6, 2023. The Norman Board of Parks Commissioners, on a vote of 7-0, recommended fee in lieu of park land dedication.
3. April 13, 2023. Planning Commission, on a vote of 9-0, recommended to City Council placing this property in the SPUD, Simple Planned Unit Development District and removing it from R-1, Single-Family Dwelling District.
5. April 13, 2023. Planning Commission, on a vote of 9-0, recommended to City Council the preliminary plat for McCoop Abode Addition, a Simple Planned Unit Development be approved.
6. May 23, 2023. City Council adopted Ordinance No. O-2223-29, placing this property in the SPUD, Simple Planned Unit Development and removing it from R-1, Single-Family Dwelling District.
7. May 23, 2023. City Council approved the preliminary plat for McCoop Abode Addition, a Simple Planned Unit Development.

IMPROVEMENT PROGRAM:

1. Fire Protection. Fire hydrants are existing.
2. Permanent Markers. Permanent markers will be installed prior to filing of the final plat.
3. Sanitary Sewer. A sanitary sewer main with manhole will be extended to serve Lot 1.
4. Sidewalks. Sidewalks will be constructed adjacent to South Berry Road.
5. Storm Sewers. Stormwater runoff will be conveyed to LID drainage solutions.
6. Streets. Berry Road is classified as a minor urban arterial and special corridor. It is to remain two-lanes of traffic in this area. However, there is a requirement for additional widening for a bike lane. Staff is recommending deferral of paving for the bike lane
7. Water Mains. Water main is existing.

PUBLIC DEDICATIONS:

1. Easements. All required easements are dedicated to the City on the final plat.
2. Rights-of-Way. All street rights-of-way are dedicated to the City on the final plat.
3. Park Land. A fee in the amount of \$183.40 has been negotiated and the owner has paid the required park land fee in lieu of park land dedication.

SUPPLEMENTAL MATERIAL: Copies of a location map, preliminary plat, final site development plan and final plat are attached.

STAFF COMMENTS AND RECOMMENDATION: The engineer for the developer has requested the City Development Committee review and approve the program of public improvements, final site development plan and final plat for McCoop Abode Addition, a Simple Planned Unit Development and submit to City Council for consideration.

This property consists of 1.71 acres with two large single family residential lots. The Development Committee supports the final site development plan and final plat for McCoop Abode Addition, a Simple Planned Unit Development with deferral of street paving for bike lane improvements in connection with South Berry Road and recommends the final site development plan and final plat be submitted to City Council for its consideration. Deferral of street paving (bike lane) has been determined to be \$10,689.

The final plat is consistent with the approved preliminary plat.

ITEM: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF A FINAL SITE DEVELOPMENT PLAN, FINAL PLAT FOR MCCOOP ABODE ADDITION, A SIMPLE PLANNED UNIT DEVELOPMENT, THE ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN AND APPROVAL OF DEFERRED CONSTRUCTION FOR STREET PAVING (BIKE LANE) IN CONNECTION WITH SOUTH BERRY ROAD.

LOCATION: Located at 1309 South Berry Road, (south of West Lindsey Street on the east side of South Berry Road).

INFORMATION:

1. Owner. C. A. McCarty Construction, L.L.C.
2. Developer. C. A. McCarty Construction, L.L.C.
3. Engineer. Arc Engineering Consultants.

HISTORY:

1. Refer to the Norman Development Committee Staff Report, October 11, 2023.
2. October 21, 1961. City Council adopted Ordinance No. 1081 annexing this property into the Corporate City Limits and placing it in the R-1, Single-Family Dwelling District.
3. April 6, 2023. The Norman Board of Parks Commissioners, on a vote of 7-0, recommended fee in lieu of park land dedication.
4. April 13, 2023. Planning Commission, on a vote of 9-0, recommended to City Council placing this property in the SPUD, Simple Planned Unit Development District and removing it from R-1, Single-Family Dwelling District.
5. April 13, 2023. Planning Commission, on a vote of 9-0, recommended to City Council the preliminary plat for McCoop Abode Addition, a Simple Planned Unit Development be approved.
6. May 23, 2023. City Council adopted Ordinance No. O-2021-47, placing this property in the SPUD, Simple Planned Unit Development and removing it from R-1, Single-Family Dwelling District.
7. May 23, 2023. City Council approved the preliminary plat for McCoop Abode Addition, a Simple Planned Unit Development.
8. October 11, 2023. The Norman Development Committee approved the program of public improvements, final site development plan, final plat and recommended that the final site development and final plat be submitted to City Council for consideration.

IMPROVEMENT PROGRAM:

1. Refer to the Norman Development Committee Staff Report, October 11, 2023.
2. Subdivision Bond. A subdivision bond has not been submitted since the developer has requested approval of the final plat with the filing thereof to be directed subject to completion and City acceptance of all required public improvements. A subdivision bond will be required for sidewalks not installed prior to the filing of the final plat.
3. Sanitary Sewer. A sanitary sewer main with manhole will be extended to serve Lot 1.
4. Streets. Staff recommends deferral of street paving (bike lane) improvements for South Berry Road based on the lack of connecting facilities. If constructed, it would become a “piece meal” paving and would be removed in the future with a project. As a result, it is not in the City’s best interest to require the improvements to be constructed at this time.

PUBLIC DEDICATIONS:

1. Refer to the Norman Development Committee Staff Report, October 11, 2023.
2. Park Land. A fee in the amount of \$183.40 has been negotiated and the owner has paid the required park land fee in lieu of park land dedication

SUPPLEMENTAL MATERIAL: Copies of an advisory memorandum, location map, preliminary plat; final site development plan, final plat, preliminary plat, Staff Report recommending approval, engineer’s estimate for deferral of improvements in connection with Berry Road and the Development Committee form are included in the Agenda Book.

ACTION NEEDED: Motion to approve or reject the deferral of street paving (bike lane) in connection with South Berry Road and approve or reject the final plat; and, if approved accept the public dedications contained within the plat and direct the filing of the final plat subject to the receipt of \$10,689 for the deferral of street paving (bike lane) improvements in connection with South Berry Road and authorize the Mayor sign the final plat subject to completion and acceptance of public improvements or bonding of public improvements.

ACTION TAKEN: _____

File Attachments for Item:

19. CONSIDERATION OF ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF FP-2324-8 FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR NORMAN REGIONAL HEALTH SYSTEM PORTER CAMPUS, SECTION, A PLANNED UNIT DEVELOPMENT. GENERALLY LOCATED A QUARTER OF A MILE SOUTH OF EAST ROBINSON STREET AND ON THE WEST SIDE OF NORTH FINDLAY AVENUE.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: Ken Danner, Subdivision Development Manager

PRESENTER: Shawn O’Leary, Director of Public Works

TITLE: CONSIDERATION OF ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF FP-2324-8 FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR NORMAN REGIONAL HEALTH SYSTEM PORTER CAMPUS, SECTION, A PLANNED UNIT DEVELOPMENT. GENERALLY LOCATED A QUARTER OF A MILE SOUTH OF EAST ROBINSON STREET AND ON THE WEST SIDE OF NORTH FINDLAY AVENUE.

BACKGROUND:

This item is a final site development plan and final plat for Norman Regional Health System Porter Campus Section 1, a Planned Unit Development located a quarter of a mile south of East Robinson Street and on the west side of North Findlay Avenue. The property consists of 4.01 acres and one (1) lot.

City Council, at its meeting of January 25, 2022, adopted Ordinance No. O-2122-29, placing this property in the PUD, Planned Unit Development District. Also, City Council, at its meeting of January 25, 2022, approved the preliminary plat for Norman Regional Health System Porter Campus, a Planned Unit Development.

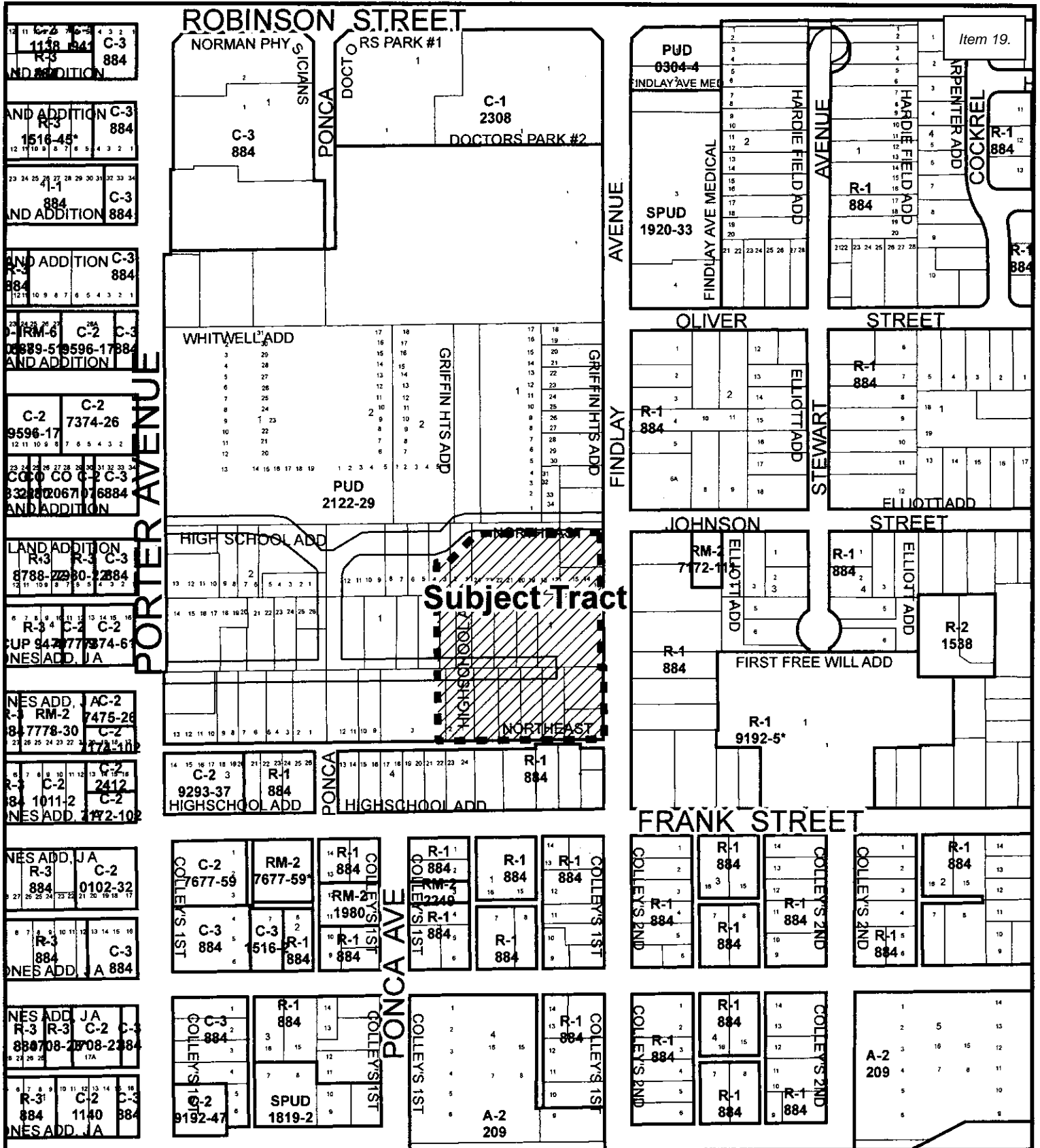
The Norman Development Committee, on October 11, 2023, approved the final site development plan and final plat and recommended the final site development plan and final plat for the Norman Regional Health System Porter Campus Section 1, a Planned Unit Development be submitted to City Council for consideration. The City of Norman owns this parcel of land. The property has been developed into the City’s new Adult Wellness and Education Center, which is one of the Norman Forward quality of life projects.

DISCUSSION:

Public improvements are near completion. Stormwater runoff will be conveyed to an existing drainage system.

STAFF RECOMMENDATION:

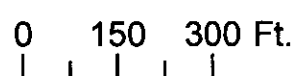
The final plat is consistent with the approved preliminary plat. Based on the above information, staff recommends acceptance of the public dedications, approval of the final site development plan and final plat and filing of the final site development plan and final plat subject to City Council's action.





Location Map



October 10, 2023



-  Subject Tract
-  Zoning

Map Produced by the City of Norman Geographic Information System. The City of Norman assumes no responsibility for errors or omissions in the information presented.

FINAL SITE DEVELOPMENT PLAN

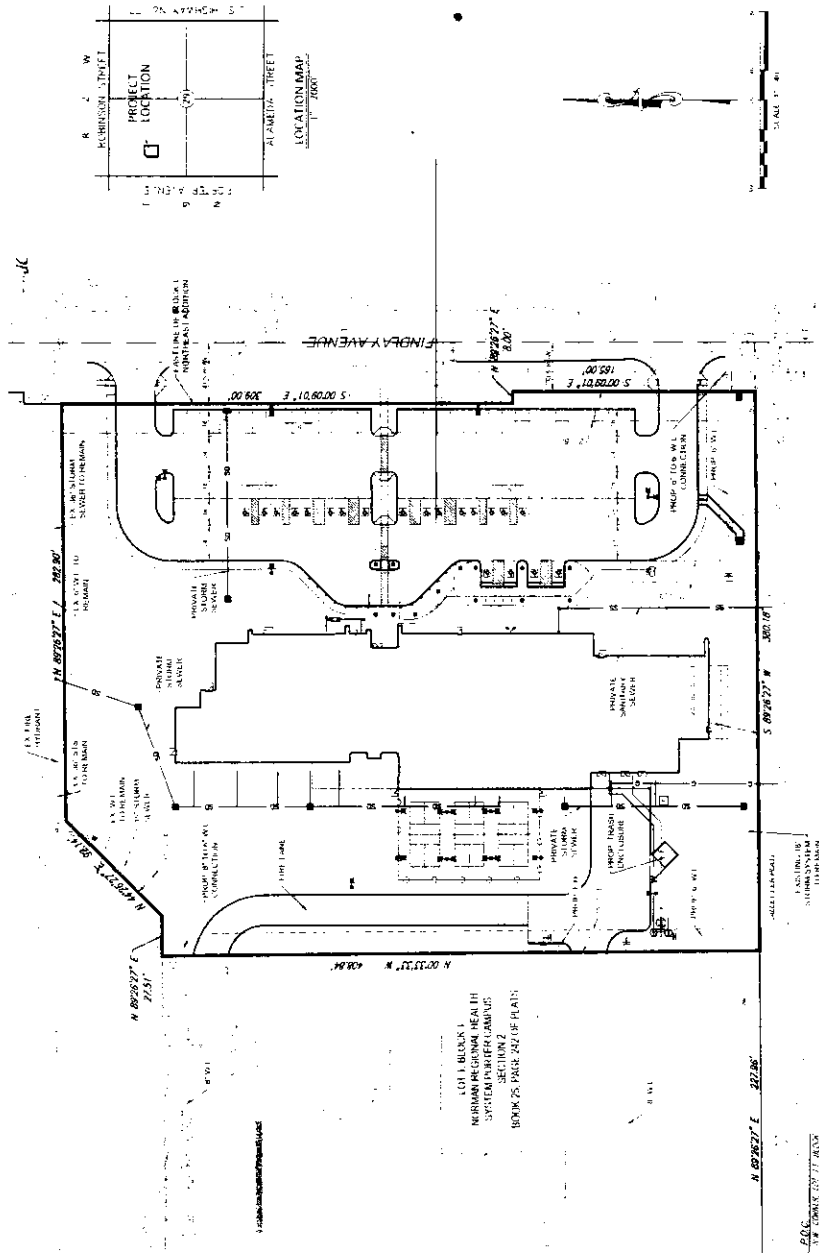
SMG
 Consulting Engineers, P.C.
 1000 N. UNIVERSITY AVENUE, SUITE 100
 NORMAN, OKLAHOMA 73069
 PHONE: (405) 833-2333
 FAX: (405) 833-2334
 WWW.SMG-OKLAHOMA.COM

NORMAN REGIONAL HEALTH SYSTEM I
 PORTER CAMPUS SECTION 1
 PORTER AVENUE & ROBINSON STREET
 NORMAN, OKLAHOMA

PREPARED FOR:
 CONSTRUCTION

THIS PLAN IS THE PROPERTY OF SMG CONSULTING ENGINEERS, P.C. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF SMG CONSULTING ENGINEERS, P.C.

FINAL SITE DEVELOPMENT PLAN
NORMAN REGIONAL HEALTH SYSTEM
PORTER CAMPUS SECTION 1
 A PLANNED UNIT DEVELOPMENT
 A PART OF THE N.W. 1/4, SECTION 29, 19N, R2W, I.M.
 NORMAN, CLEVELAND COUNTY, OKLAHOMA



LOT 1, BLOCK 1
 NORMAN REGIONAL HEALTH SYSTEM PORTER CAMPUS SECTION 2
 SHEET 25, PAGE 242 OF PLANS

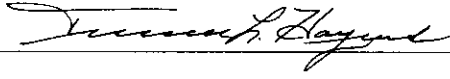
- NOTES:**
1. ALL DIMENSIONS UNLESS OTHERWISE NOTED, ARE TO BE MEASURED BY THE CITY TO DETERMINE ACCURACY, AND RETENTION OF SUCH DIMENSIONS IS THE RESPONSIBILITY OF THE PROPERTY OWNER.
 2. PARKING SPACES BE ALLOWED USER DIRECTION AND QUALITY FACILITY.

APPLICATION FOR
DEVELOPMENT COMMITTEE
ACTION

Date: 08/24/2023

Part I: To be Completed by Applicant:

1. Applicant(s):
THE CITY OF NORMAN, OKLAHOMA, an Oklahoma municipal corporation

- Signature of Applicant(s):
TERENCE L. HAYNES, P.E., AGENT FOR APPLICANT 
SMC CONSULTING ENGINEERS, P.C.

- Telephone Number and Address:
815 WEST MAIN, OKLAHOMA CITY, OK 73106
405-232-7715

2. Project Name and Legal Description:
Norman Regional Health System Porter Campus Section 1, a PUD
A part of the NW/4 of Section 29, T9N, R2W of the I.M.

3. Action Request of Development Committee:
REQUEST DEVELOPMENT COMMITTEE APPROVAL OF THE FINAL PLAT, FINAL SITE DEVELOPMENT PLAN AND ASSOCATED PUBLIC IMPROVEMENTS.

Part II: To Be Completed by Development Committee:


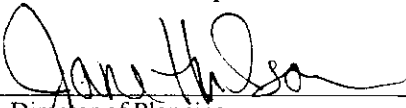
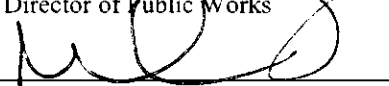

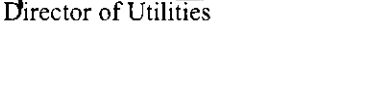

Development Committee Met on: October 11, 2023

Development Committee Findings:

The engineer for the owner has requested the Development Committee approve the program of public improvements, final site development plan and final plat and submit to City Council for consideration.

Development Committee Recommendations:

Recommend City Council approve the final site development plan and final plat for Norman Regional Health System Porter Campus Section 1, a Planned Unit Development.

		Record of Acceptance:			
		Yes	No	Yes	No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director of Public Works			Director of Planning		
	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director of Utilities			Planning Services Manager		
	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
City Engineer			Subdivision Development Manager		

DEVELOPMENT COMMITTEE

FINAL PLAT
FP-2324-8

DATE:
October 11, 2023.

STAFF REPORT

ITEM: Consideration of a final plat for **NORMAN REGIONAL HEALTH SYSTEM PORTER CAMPUS SECTION 1, A PLANNED UNIT DEVELOPMENT.**

LOCATION: Generally located one-quarter mile south of Robinson Street, on the west side of Findlay Avenue.

INFORMATION:

1. Owner. City of Norman.
1. Developer. City of Norman.
2. Engineer. SMC Consulting Engineers, P.C.

HISTORY:

1. July 1, 1909. The final plat for High School Addition was filed of record with the Cleveland County Clerk
2. May 20, 1913. City Council adopted Ordinance No. 209 annexing a portion of this property into the Norman Corporate City limits without zoning.
3. December 10, 1921. The final plat for Whitwell Addition was filed of record with the Cleveland County Clerk.
4. September 8, 1925. The final plat for Northeast Addition was filed of record with the Cleveland County Clerk.
5. March 28, 1939. The final plat for Griffin Heights Addition was filed of record with the Cleveland County Clerk.
6. October 13, 1942. City Council adopted Ordinance No. 627 annexing a portion of this property into the Norman Corporate City limits without zoning.
7. February 9, 1943. City Council adopted Ordinance No. 626 annexing a portion of this property into the Norman Corporate City limits without zoning.

HISTORY (CONT.)

8. July 13, 1954. City Council adopted Ordinance No. 884 placing this property in R-1, Single-Family Dwelling District and C-3, Intensive Commercial District.
9. February 24, 1959. City Council adopted Ordinance No. 1130 vacating certain easements in Griffin Heights Addition.
10. November 26, 1963. City Council adopted Ordinance No. 1594 vacating a portion of Ponca Avenue north of Johnson Street.
11. October 14, 1969. City Council adopted Ordinance No. 2232 closing and vacating Griffin Avenue north of Johnson Street.
12. January 12, 1988. City Council adopted Ordinance No. O-8788-25 closing Johnson Street between Porter Avenue and Findlay Avenue; Ponca Avenue between Johnson Street and Rich Street and the 20' right-of-way (alley) south of Johnson Street between Porter Avenue and Findlay Avenue.
13. August 12, 1999. Planning Commission, on a vote of 8-0, recommended to City Council that a portion of this property be placed in the O-1, Office-Institutional District and removed from R-1, Single-Family Dwelling District.
14. October 12, 1999. City Council adopted Ordinance No. O-9900-9 placing a portion of this property in the O-1, Office-Institutional District and removing it from R-1, Single-Family Dwelling District.
15. May 11, 2000. Planning Commission, on a vote of 7-0, recommended to City Council that a portion of this property be placed in the O-1, Office-Institutional District and removed from R-1, Single-Family Dwelling District.
16. June 13, 2000. City Council adopted Ordinance No. O-9900-52 placing a portion of this property in the O-1, Office-Institutional District and removing it from R-1, Single-Family Dwelling District.
17. June 13, 2000. City Council adopted Ordinance No. O-9900-53 closing a portion of Rich Street from Porter Avenue to 90-feet west of Findlay Avenue and a portion of Ponca Avenue from the south line of Rich Street south to the 20-foot right-of-way (alley), for a distance of 140-feet.
18. July 10, 2001. City Council adopted Ordinance No. O-0001-70 closing part of Ponca Avenue from a point beginning 432.35 feet north of Johnson Street thence running north for a distance of 175-feet.
19. November 14, 2002. Planning Commission, on a vote of 8-0, recommended to City Council that a portion of this property be placed in the O-1, Office-Institutional District and removed from R-1, Single-Family Dwelling District.

HISTORY (CONT.)

20. December 17, 2002. City Council adopted Ordinance No. O-0203-18 placing a portion of this property in the O-1, Office-Institutional District and removing it from R-1, Single-Family Dwelling District.
21. December 17, 2002. City Council adopted Ordinance No. O-0203-17 closing a portion of Rich Street from Findlay Avenue west for a distance of 90-feet.
22. December 9, 2021 (Special Meeting). The Norman Board of Parks Commissioners recommended a fee in lieu of park land requirements for Norman Regional Health System Porter Campus Addition, a Planned Unit Development with any potential residential component.
23. December 9, 2021. Planning Commission, on a vote 7-0, recommended amending the NORMAN 2025 Land Use and Transportation Plan from Office Designation to Mixed Use Designation
24. December 9, 2021. Planning Commission, on a vote of 7-0, recommended placing this property in the PUD, Planned Unit Development and removing it from R-1, Single-Family Dwelling District, C-3, Intensive Commercial District and O-1, Office-Institutional District
25. December 9, 2021. Planning Commission, on a vote of 7-0, recommended to City Council the approval of the preliminary plat for Norman Regional Health System Porter Campus, a Planned Unit Development.
26. December 9, 2021. Planning Commission, on a vote of 7-0, recommended to City Council closing 20' right-of-way (alley), a portion of Ponca Avenue and Griffin Avenue.
27. January 25, 2022. City Council approved amending the NORMAN 2025 Land Use and Transportation Plan placing this property in the Mixed Use Designation and removing it from Office Designation.
28. January 25, 2022. City Council adopted Ordinance No. O-2122-29 placing this property in the PUD, Planned Unit Development and removing it from R-1, Single-Family Dwelling District, C-3, Intensive Commercial District and O-1, Office-Institutional District.
29. January 25, 2022. City Council adopted Ordinance No. O-2122-30 closing 20' right-of-way (alley), a portion of Ponca Avenue and Griffin Avenue.
30. January 25, 2022. City Council approved the preliminary plat for Norman Regional Health System Porter Campus, a Planned Unit Development

IMPROVEMENT PROGRAM:

1. Fire Hydrants. Fire hydrants will be installed in accordance with approved plans.
2. Permanent Markers. Permanent markers will be installed prior to filing of the final plat.
3. Sanitary Sewers. Sanitary sewer main is existing. There are existing sanitary sewer mains that are in conflict with the proposal and will be abandoned.
4. Sidewalks. Sidewalk is existing adjacent to Findlay Avenue.
5. Storm Sewers. Storm sewers and appurtenant drainage structures will be installed. Storm water runoff will be conveyed to an existing drainage system located south of this property.
6. Streets. Findlay Avenue is existing.
7. Water Mains. Water main will be installed in accordance with approved plans and City and Department of Environmental Quality standards. There are existing water lines that are in conflict with the proposal and will be abandoned.

PUBLIC DEDICATIONS:

1. Easements. All required easements are dedicated to the City on the final plat.
2. Rights-of-Way. All street rights-of-way are dedicated to the City on the final plat.

SUPPLEMENTAL MATERIAL: Copies of a location map, preliminary plat, final site development plan and final plat are attached.

STAFF COMMENTS AND RECOMMENDATION: The engineer for the developer has requested the Development Committee review and approve the program of public improvements, final site development plan and final plat for Norman Regional Health System Porter Campus Section 1, a Planned Unit Development and submit to City Council for consideration.

This property consists of 4.01 acres with one (1) lot. The proposal is Wellness Center Facility.

ITEM: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF A FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR NORMAN REGIONAL HEALTH SYSTEM PORTER CAMPUS SECTION 1, A PLANNED UNIT DEVELOPMENT AND THE ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN.

LOCATION: Generally located one-quarter mile south of Robinson Street on the west side of North Findlay Avenue.

INFORMATION:

1. Owner. City of Norman.
- 2 Developer. City of Norman.
- 3 Engineer. SMC Consulting Engineers PC.

HISTORY:

1. Refer to the Norman Development Committee Staff Report, October 11, 2023.
2. January 25, 2022. City Council approved amending the NORMAN 2025 Land Use and Transportation Plan placing this property in the Mixed Use Designation and removing it from Office Designation.
3. January 25, 2022. City Council adopted Ordinance No. O-2122-29 placing this property in the PUD, Planned Unit Development and removing it from R-1, Single-Family Dwelling District, C-3, Intensive Commercial District and O-1, Office-Institutional District.
4. January 25, 2022. City Council adopted Ordinance No. O-2122-30 closing 20' right-of-way (alley), a portion of Ponca Avenue and Griffin Avenue.
5. January 25, 2022. City Council approved the preliminary plat for Norman Regional Health System Porter Campus, a Planned Unit Development.
6. October 11, 2023. The Norman Development Committee, approved the final site development plan and final plat and recommends the final site development plan and final plat for Norman Regional Health System Porter Campus Addition Section 1, a Planned Unit Development be submitted to City Council for consideration.

IMPROVEMENT PROGRAM:

1. Refer to the Norman Development Committee Staff Report, October 11, 2023.

2. Concurrent Construction. Concurrent construction was approved for this development.

PUBLIC DEDICATIONS:

1. Refer to the Norman Development Committee Staff Report, October 11, 2023.

SUPPLEMENTAL MATERIAL: Copies of an advisory memorandums, location map, preliminary plat, final site development plan, final plat, Staff Report recommending approval and Development Committee form are included in the Agenda Book.

ACTION NEEDED: Motion to approve or reject the final site development plan and final plat; and if approved, accept the public dedications contained within the plat and authorize the Mayor to sign the final plat.

ACTION TAKEN: _____

File Attachments for Item:

20. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF AMENDMENT NO. ONE TO CONTRACT K-2223-19:
BY AND BETWEEN THE CITY OF NORMAN AND MESHEK AND ASSOCIATES, LLC,
INCREASING THE AMOUNT BY \$7,500 FOR BRIC GRANT APPLICATION
SERVICES FOR THE FLOOD WARNING SYSTEM SCOPING PROJECT FOR A
REVISED AMOUNT OF \$107,500 AS OUTLINED IN THE STAFF REPORT.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: Jason Murphy, Stormwater Program Manager

PRESENTER: Shawn O'Leary, Director of Public Works

TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF AMENDMENT NO. ONE TO CONTRACT K-2223-19: BY AND BETWEEN THE CITY OF NORMAN AND MESHEK AND ASSOCIATES, LLC, INCREASING THE AMOUNT BY \$7,500 FOR BRIC GRANT APPLICATION SERVICES FOR THE FLOOD WARNING SYSTEM SCOPING PROJECT FOR A REVISED AMOUNT OF \$107,500 AS OUTLINED IN THE STAFF REPORT.

BACKGROUND:

The City of Norman experiences flood events on a regular basis, which lead to road closures. The current process to identify and barricade flooded roadways is a manual process, which can take a significant amount of time and puts both the emergency responders and traveling public at risk. In November of 2020, with approval from the City Manager, the City applied for a FEMA Building Resilient Infrastructure and Communities (BRIC) grant through the Oklahoma Department of Emergency Management and Homeland Security (ODEMHS). These grants are designed for pre-disaster mitigation and are competitively awarded. In February 2022, ODEMHS notified the City of Norman of the approval to award funds for the FEMA BRIC Grant for the City of Norman Flood Warning System Development Project.

On March 8, 2022 City Council approved the acceptance of the FEMA BRIC Grant for the Norman Flood Warning System Development Project. Federal funding for this project was a \$75,000 (75%) reimbursement with a local match requirement of \$25,000 (25%) as part of the FEMA BRIC Grant program. Acceptance of this grant was to design the framework for a flood warning system for the City modeled after the Charlotte-Mecklenburg Flood Information & Notification System. Working with personnel from Public Works, Police, Fire, IT, and public outreach, information on current processes and future needs was gathered. Subwatersheds citywide were analyzed to determine the best locations for installation of up to 25 stream and rain gages and cameras as well as the feasibility of incorporating ten existing monitoring locations used for Lake Thunderbird Total Maximum Daily Load (TMDL) compliance.

The Public Works Department Staff prepared a Request for Proposals (RFP) to solicit the services of a qualified firm to complete the Flood Warning System Project. Meshek & Associates, LLC was competitively selected for the Flood Warning Scoping Project in July 2022, and on

September 13, 2022, Council approved contract K-2223-19 in the amount of \$100,000. Meshek & Associates, LLC completed the scoping project and submitted the final report in July 2023.

DISCUSSION:

The report has identified locations for stream gages, rain gages, and cameras to facilitate a Flood Warning System. In addition to the installed equipment, software will be necessary to integrate with the City's GIS system and the new Emergency Operations Center. This process will need to include the creation of software and addition to the City's website for tracking. This software will provide a way for emergency responders and the general public to monitor water levels at each of these sites in real time. The final report also included the ways that this system can be incorporated to existing Police and Fire Department warning systems, as well as the City's proposed Traffic Management Center (TMC) to notify the public of flooded roadways in their area.

Council approved Resolution R-2324-65 on September 26, 2023, authorizing a grant application to FEMA's Building Resilient Infrastructure and Communities (BRIC) grant program to begin Phase 2 of the Flood Warning System in the amount of \$313,000, of which 75% (\$234,750) would qualify for reimbursement and 25% (\$78,250) would be the City's local match. It was noted in Resolution R-2324-65, that if the City is a successful applicant for the BRIC grant, acceptance of the grant and final approval of appropriations for the local match would be subject to Council approval. This amendment is for grant application services only.

In order to implement the recommendations of the scoping document for the Flood Warning Project, it is necessary to procure funding either through City appropriations or grant funding for an estimated amount of \$313,000. Staff recommends the amendment to Contract K-2223-19 with Meshek & Associates for grant application services necessary to prepare and submit grant documents for the FEMA BRIC grant. The BRIC grant application is due to the Oklahoma Department of Emergency Management and Homeland Security (ODEMHS) in December 2023.

If the amendment is approved, staff recommends transferring funds in the amount of \$7,500 from Capital Fund, FY23 Misc. Annual Drainage (Design) (50599967-46201; Project DR0025) to Capital Fund, Flood Warning System (Grant Match) Design 2 (50592214-46201; Project DR0023) to cover the cost of grant application services.

RECOMMENDATION 1:

Staff recommends approval of Amendment No. 1 to Contract No. K-2223-19, between the City of Norman and Meshek and Associates for the Flood Warning Scoping Project in the amount of \$7,500 for grant application services and bringing the total amount to \$107,500.

RECOMMENDATION 2:

Staff recommends transferring funds in the amount of \$7,500 from Capital Fund, FY23 Misc. Annual Drainage (Design) (50599967-46201; Project DR0025) to Capital Fund, Flood Warning System (Grant Match) Design 2 (50592214-46201; Project DR0023).

Reviewed by: Jason Murphy, Stormwater Program Manager
Shawn O'Leary, Director of Public Works
Clint Mercer, Chief Accountant

Anthony Francisco, Director of Finance
Kathryn Walker, City Attorney
Darrel Pyle, City Manager

AMENDMENT TO OWNER-CONSULTANT AGREEMENT

**AMENDMENT TO OWNER-CONSULTANT AGREEMENT
Amendment No. 1**

1.01 **Background Data:**

Effective Date of Owner-Consultant Agreement: 09/13/2022

Owner: City of Norman

Engineer: Meshek & Associates, LLC

Project: Contract # K-2223-19 for Flood Warning System Project Scoping

2.01 **Description of Modifications:**

a. Consultant shall perform or furnish the following Additional Services: Prepare and submit the FY2023 BRIC application for state set aside funds to pay for phase II of the Flood Warning System Project.

b. The Scope of Services currently authorized to be performed by Consultant in accordance with the Agreement and previous amendments, if any, is modified as follows: The submission of the Notice of Intent to apply, preparation, completion, and submission of the FY23 BRIC grant application utilizing the information previously compiled for the Flood Warning System Report, information provided by the City of Norman, and other readily available data/information.

c. The responsibilities of Owner are modified as follows: N/A

d. For the Additional Services or the modifications to services set forth above, Owner shall pay Engineer the following additional or modified compensation: \$7,500.00

e. The schedule for rendering services is modified as follows: N/A

f. Other portions of the Agreement (including previous amendments, if any) are modified as follows: N/A

g. The new contract total, including payment for the Additional Services, is as follows:

a. Original Agreement amount:	<u>\$100,000.00</u>
b. Net change for prior amendments:	<u>\$ 0.00</u>
c. This amendment amount:	<u>\$ 7,500.00</u>
d. Adjusted Agreement amount:	<u>\$107,500.00</u>

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is _____.

SIGNATURES:

City of Norman

Meshek & Associates, LLC

By: _____

By: *Benjamin W. Fletcher*

Larry Heikkila, Mayor

Printed Name: Benjamin W. Fletcher

Attest: _____

Title: Manager

Brenda Hall, City Clerk

Date: 11/08/2023

Date: _____

Consultant's License No.: 1487 (OK)

Approved as to form and legality this _____

Notarized this 8th day of November 2023.

day of _____, 2023.

Christy Dulaney



October 19, 2023

Mr. Jason Murphy
City of Norman
225 N Webster
Norman, OK 73069

FY2023 BRIC Application for Flood Warning System Implementation

Dear Mr. Murphy:

Meshek appreciates the opportunity to work with the City of Norman during the FY2023 BRIC Grant application period to prepare and submit the grant application for implementation of the Flood Warning System (FWS) scoped and designed during last year's grant cycle. This work would be done as an amendment to the Flood Warning System scoping & design project. To perform this work, we propose the following tasks and accompanying fees in the table below.

Table 1: Meshek Fee Summary

FY2023 BRIC Application for Flood Warning System Implementation	
General Task Description	Cost
Phase 1: Prepare and submit the FY2023 BRIC application for state set aside funds to pay for phase II of the Flood Warning System Project.	\$7500
Total:	\$7500

This work would involve the submission of the Notice of Intent to apply, preparation, completion, and submission of the FY23 BRIC grant application utilizing the information previously compiled for the Flood Warning System Report, information provided by the City of Norman, and other readily available data/information.

This work does not include additional research for statistics, stories, or facts not already available, or response to post-application RFIs. The final deliverable would consist of a completed and submitted FY23 BRIC application for Phase II of the FWS project. The total fee would be billed on a percent complete/monthly basis.

We are excited for the opportunity to continue working with the City of Norman. Should this proposal be acceptable, we will prepare a contract document for your review and execution. If you have any questions, please do not hesitate to contact me directly via phone or email.

Sincerely,

Allison Whitsett
Planning & Grants Program Manager
[m] 918.728.5617
awhitsitt@meshekengr.com



CITY OF NORMAN, OK
PLANNING COMMISSION MEETING
 Municipal Building, Council Chambers, 201 West Gray,
 Norman, OK 73069
 Thursday, October 12, 2023 at 6:30 PM

MINUTES

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 14th day of September, 2023.

Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <https://norman-ok.municodemeetings.com> at least twenty-four hours prior to the beginning of the meeting.

Chair Erica Bird called the meeting to order at 6:33 p.m.

ROLL CALL

PRESENT

Cameron Brewer
 Chair Erica Bird
 Douglas McClure
 Jim Griffith
 Maria Kindel
 Michael Jablonski

ABSENT

Steven McDaniel
 Liz McKown
 Kevan Parker

A quorum was present.

STAFF PRESENT

Jane Hudson, Planning Director
 Lora Hoggatt, Planning Services Manager
 Melissa Navarro, Planner II
 Anaïs Starr, Planner II
 Lisa Krieg, CDGB/Grants Manager
 Roné Tromble, Admin. Tech. IV
 Beth Muckala, Assistant City Attorney
 Anthony Purinton, Assistant City Attorney
 David Riesland, Transportation Engineer
 Todd McLellan, Development Engineer
 Jason Murphy, Stormwater Program Manager
 Bryce Holland, Multimedia Specialist

Zoning Ordinance Amendments

23. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Ordinance No. O-2324-14: AN ORDINANCE OF THE CITY OF NORMAN, OKLAHOMA AMENDING SECTION 533 ("FH, FLOOD HAZARD DISTRICT") OF THE ZONING ORDINANCE, TO REVISE AND ADD DEFINITIONS TO SUBPART (C) ("DEFINITIONS"), TO ALLOW FOR "CUMULATIVE COST" TO BE ACCOUNTED FOR IN DETERMINING "SUBSTANTIAL IMPROVEMENTS" AND TO DEFINE "MARKET VALUE"; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Proposed Ordinance

PRESENTATION BY STAFF: Jason Murphy reviewed the staff report, a copy of which is filed with minutes.

Ms. Bird asked if this change would result in lower flood insurance premiums. Mr. Murphy responded that this change, by itself, would not.

Ms. Bird asked about the number of properties that will be affected by this change. Mr. Murphy did not know the number, but indicated there are some on Lahoma. Most of the properties that will be impacted are rentals, rather than owner-occupied, and are located in the floodplain and in the floodway.

Ms. Bird suggested that a report be generated for City Council that showed some specific houses that could be impacted, so they would have some idea of the number. She would be interested to know if properties near Bishop Creek would be impacted by this.

Mr. Brewer spoke in support of this change.

AUDIENCE PARTICIPATION: None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Motion made by Kindel, seconded by Griffith, to recommend adoption of Ordinance No. O-2324-14 to City Council.

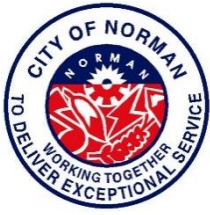
Voting Yea: Brewer, Bird, McClure, Griffith, Kindel, Jablonski

The motion to recommend adoption of Ordinance No. O-2324-14 to City Council passed by a vote of 6-0.

*

File Attachments for Item:

21. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF CHANGE ORDER NO. TWO TO CONTRACT K-2223-118: BY AND BETWEEN THE CITY OF NORMAN UTILITIES AUTHORITY AND KRAPFF-REYNOLDS CONSTRUCTION CO., IN THE AMOUNT OF \$18,893 AND A TIME EXTENSION OF 90 CALENDAR DAYS, TO BE CHARGED TO THE PROJECT ACCOUNT AS OUTLINED IN STAFF REPORT.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: Ken Giannone, PE

PRESENTER: Ken Giannone, PE, Capital Projects Engineer

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF CHANGE ORDER NO. TWO TO CONTRACT K-2223-118: BY AND BETWEEN THE CITY OF NORMAN UTILITIES AUTHORITY AND KRAPFF-REYNOLDS CONSTRUCTION CO., IN THE AMOUNT OF \$18,893 AND A TIME EXTENSION OF 90 CALENDAR DAYS, TO BE CHARGED TO THE PROJECT ACCOUNT AS OUTLINED IN STAFF REPORT.

BACKGROUND:

In January 2023, Norman Utilities Authority (NUA) learned that an existing twenty-four inch (24") aerial sanitary sewer stream crossing south of State Highway 9, between Chautauqua and Jenkins (in what is colloquially known as "Oliver's Woods") was functioning but in the early stages of collapse. NUA staff prepared bidding documents for Sanitary Sewer Stream Crossing Replacement Project, and bids were opened on March 9, 2023. Krapff-Reynolds Construction Company (KRCC) was deemed the lowest and best bidder, and Contract K-2223-118 in the amount of \$593,630 was awarded to them on March 28, 2023. KRCC mobilized to the project site and commenced work on the project in early May 2023.

DISCUSSION:

In June 2023, NUA experienced an unrelated sanitary sewer collapse on the southwest side of Norman near the location of this project. Emergency repairs were required, and NUA Line Maintenance Division staff did not possess the necessary equipment to complete the repair. Because of their proximity and willingness to perform the work using pay items from this Contract, NUA decided to have KRCC complete this repair. On July 25, 2023, Change Order 1 to Contract K-2223-118 was approved by NUA for this emergency repair. It resulted in a cost increase of \$55,714 (9.3% of contract) to total \$649,344 and a time extension of 7 calendar days to 97 days.

Since the approval of Change Order 1, two unrelated issues have arisen on the project that have resulted in additional cost and/or additional time to complete the project. The first issue relates to manholes furnished on the project. Interior surfaces of manholes were not specified to be coated, and frames and covers were specified to be composed of cast iron. Based on further evaluation after contract award, however, it has been determined that the segment of sanitary sewer being replaced on this project is likely subject to periodic high levels of corrosive gases, and, therefore, corrosion protection inside the new manholes would be imperative to ensure they do not experience rapid deterioration. As a consequence, cost proposals were solicited from KRCC to furnish and install an anti-corrosion epoxy coating on all interior surfaces of the

manholes and to replace cast iron frames and covers, which are subject to corrosion, with frames and covers composed of a composite material, which are not subject to corrosion. A cost of \$13,893 was negotiated for this change, along with a 90 calendar day time extension (due to lead time on composite manhole frames and covers).

The second issue relates to groundcover installation. This project is located within the Oliver's Woods Ecological Laboratory and Natural Area, which is managed by the University of Oklahoma (OU). For this reason, NUA consulted with OU staff during design to determine appropriate restoration requirements. OU asked that since the work was being performed mid-summer, which is not an advantageous time to establish permanent native groundcover in central Oklahoma, that the Contractor plant a temporary groundcover to be sown immediately after any location within Oliver's Woods was disturbed by the work. The project is now near completion and the contractor would like to plant the final permanent native groundcover. NUA negotiated an additional cost of \$5,000 for this permanent groundcover planting.

If approved, Change Order 2 will have a total cost of \$18,893 ($\$13,893 + \$5,000 = \$18,893$), and it will increase the Contract Amount to \$668,237 ($\$649,344 + \$18,893 = \$668,237$), which is an additional 3.18% over the original Contract Amount. Change Order 2 also includes a 90 calendar day time extension. If approved, Change Order 2 will revise the contract duration to 187 calendar days, which results in a revised Contract Completion Date of November 11, 2023.

Funding for Change Order 2 would come from the Water Fund, Wellfield Blending Project, Construction (account 32193338-46101; project WW0178), which has an unencumbered balance of \$26,370.

RECOMMENDATION:

Staff recommends that Change Order 2 to Contract K-2223-118 in the amount \$18,893 and a 90 calendar day time extension, be approved.

NORMAN UTILITIES AUTHORITY
CITY OF NORMAN
CLEVELAND COUNTY, OKLAHOMA

DATE: October 11, 2023
CHANGE ORDER NO.: Two (2)
CONTRACT NO.: K-2223-118
PROJECT: WW0178 - Sanitary Sewer Stream Crossing Replacement
CONTRACTOR: Krapff-Reynolds Construction Co
2400 N.E. 4th Street, Oklahoma City, OK 73117

	<u>Contract Time</u>		<u>Contract Amount</u>	
ORIGINAL:	90	calendar days	\$593,630.00	
PREVIOUS CHANGE ORDERS:	7	calendar days	\$55,714.00	9.39%
THIS CHANGE ORDER:	90	calendar days	\$18,893.00	3.18%
REVISED AMOUNT:	187	calendar days	\$668,237.00	12.57%
ORIGINAL START DATE:	May 8, 2023			
ORIGINAL COMPLETION DATE:	August 6, 2023			
PREVIOUS COMPLETION DATE:	August 13, 2023			
NEW COMPLETION DATE:	November 11, 2023			

<u>DESCRIPTION:</u>	<u>Increase / Decrease (\$)</u>
<u>CO 2.1 - Add Raven 405 Lining to Manholes & Revise Manhole Frames, Covers and Rings from Cast Iron to Composite by Trumbull:</u> Because the two manholes to be installed on this project are in an area likely to experience high levels of hydrogen sulfide which is corrosive, anti-corrosion coating (Raven 405) will be added to manhole interiors including benches and channels and manhole frames, covers and rings will be revised from those made of specified cast iron to those composed of a composite material because the composite material is non-corrosive. This will also add 90-Calendar Days to project duration due to lead time for the composite manhole frames/covers/rings.	\$13,893.00
<u>CO 2.2 - Furnish and Install Permanent Groundcover Using "Scorched Earth" Seed Mix:</u> Because project was originally scheduled to be completed in June, Contract called for installation of temporary groundcover with the intent that City of Norman would contract to have permanent groundcover installed by others during the fall planting season. Because of unrelated delays, Contractor will now be completing final restoration during fall planting season so now a permanent groundcover, "Scorched Earth" seed mix, can be planted immediately as part of project restoration. (NOTE: Seed mix recommended by O.U. Environmental Department staff who manage the Oliver's Woods Ecological Preserve).	\$5,000.00
TOTAL for CO 2 =	\$18,893.00
1. Additional time for CO 2.1 above:	90 Cal. Days
2. Additional time for CO 2.2 above:	0 Cal. Days
Total:	90 Cal. Days

Krapff-Reynolds Construction Co. agrees to complete the work as amended and modified by Change Order No. 2 as described above.

CONTRACTOR:  Date: 10/16/2023
Krapff-Reynolds Construction Co

RECOMMENDED BY ENGINEER:  Date: 10/11/2023
Kenneth J. Giannone, P.E., City of Norman Utilities

APPROVED AS TO FORM AND LEGALITY: _____ Date: _____
City Attorney

ACCEPTED BY NORMAN UTILITIES AUTHORITY: _____ Date: _____
City Manager

File Attachments for Item:

22. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CHANGE ORDER NO. TWO TO CONTRACT K-2324-2: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND ARROYO'S CONCRETE LLC. INCREASING THE CONTRACT AMOUNT BY \$196,357 FOR A REVISED CONTRACT AMOUNT OF \$535,044.50 FOR THE ADDITION OF 54 BUS STOPS TO THE FYE 2023 SIDEWALK CONCRETE PROJECTS AND BUDGET APPROPRIATION AS OUTLINED IN THE STAFF REPORT.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: Steve Guizzo, Engineering Assistant

PRESENTER: Shawn O'Leary, Public Works Director

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CHANGE ORDER NO. TWO TO CONTRACT K-2324-2: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND ARROYO'S CONCRETE LLC. INCREASING THE CONTRACT AMOUNT BY \$196,357 FOR A REVISED CONTRACT AMOUNT OF \$535,044.50 FOR THE ADDITION OF 54 BUS STOPS TO THE FYE 2023 SIDEWALK CONCRETE PROJECTS AND BUDGET APPROPRIATION AS OUTLINED IN THE STAFF REPORT.

BACKGROUND:

The FYE 2024 Sidewalk Concrete Projects consisted of removal and replacement of sidewalks and ramps as needed at various locations throughout the City of Norman.

The FYE 2024 Sidewalk Concrete Projects (K-2324-2) bids were opened on June 15, 2023 with Arroyo's Concrete LLC, submitting the winning bid of \$330,885.50. Change order 1 for \$7,802 was included as part of the original contract to provide additional funding throughout the year to complete necessary repairs in the Citywide 50/50 Program. The contract was approved by City Council on July 25, 2023. Work began on August 21, 2023 and is currently under construction.

An Invitation to Bid was advertised for the installation of 74 bus stops in June of 2023 and two bids were received. These new bus stops are needed to accommodate the 2023 route changes recently implemented by Embark Norman. After evaluation of the bids it was determined that both bids exceeded the engineer's estimate of \$160,668. The bids received were \$310,915 and \$427,810. Both bids were rejected. Evaluation showed that the actual work required to construct the bus stops to meet all applicable ADA requirements was more than initially expected. This is mostly due to the need to lower existing sidewalks to meet maximum slopes from the curb. In addition, there have significant cost increases in materials and labor for concrete work.

DISCUSSION:

Staff reviewed current contracts and determined that this work was consistent with the unit priced items being completed for the FYE 2024 Sidewalk Concrete Projects contract K-2324-2. It was determined that all work would fit into the bid unit price items and would constitute a unit price overrun that could be addressed through a change order. Arroyo's Concrete, LLC was contacted to determine their willingness to complete the installation of 54 bus stops under their current contract. Following the rejected bids, the bus stop project was reevaluated and 20 stops were removed or modified. Arroyo's Concrete, LLC submitted a cost of \$196,357 to construct or modify the 54 bus stops based on anticipated quantities. This cost exceeded the engineer's estimate of \$160,668 by \$35,689 or 22.2%. As discussed above, this cost utilized the current FYE 2023 Sidewalk Concrete Projects bid items in contract K-2324-2. If approved, this change order of \$196,357 is a 58% increase to the FYE 2024 Sidewalk Concrete Projects contract for a total contract value of \$535,044.50.

FISCAL IMPACT:

Change Order 2 is for the installation and or modification of 54 bus stops at various locations throughout the City of Norman.

\$160,000 is available for this project in the FYE 2024 Capital Budget. The project received \$120,000 in federal funds through the Association of Central Oklahoma Governments (ACOG) and that funding is available in the Special Grants Fund, Fleet Conversion Grant, Construction (Account Number 22550480-46101; Project BG0085). The City match for the ACOG grant is \$39,936 and it is available in the Capital Projects Fund, Transit Projects, Construction (Account Number 50593379-46101; Project BG0085). If approved, the remaining \$36,421 is proposed to be appropriated from the City's FYE 2024 Capital Fund Balance.

The original date to begin the new bus routes was August 2023, but this was moved due to delays on the transit center. It was moved to October 1, 2023, and was later extended to October 16, 2023. This left a very short timeframe to complete the bus stops to meet the route change deadlines.

RECOMMENDATION 1:

Staff recommends a appropriation of \$36,421 from the FYE 2023 Capital Fund Balance (account 50-29000) to the Bus Stops Project, Construction (account 50593379-46101; Project BG0085).

RECOMMENDATION 2:

Staff recommends that Change Order 2 increasing Contract K-2324-2 with Arroyo's Concrete LLC, by \$196,357 for the installation of 54 bus stops be approved.

Reviewed by: Scott Sturtz, City Engineer
 Shawn O'Leary, Director of Public Works
 Clint Mercer, Chief Accountant
 Kathryn Walker, City Attorney

Darrel Pyle, City Manager

CHANGE ORDER SUMMARY
CITY OF NORMAN
CLEVELAND COUNTY, OKLAHOMA

CHANGE ORDER NO. 2

DATE: August 24, 2023

CONTRACT NO.: K-2324-2

SUBMITTED BY: Steve Guizzo

PROJECT: FYE 2024 SIDEWALK CONCRETE PROJECTS

CONTRACTOR: Arroyo's Concrete LLC.

Address: 1233 SW 41st Street.

City, State, Zip: Oklahoma City, OK 73109

Original Completion Date: June 30, 2024

Previous Completion Date: June 30, 2024 ORIGINAL CONTRACT AMOUNT: \$330,885.50

(Increase) this change order 0 Calendar days

New Completion Date June 30, 2024 PRESENT CONTRACT AMOUNT: \$330,885.50

DESCRIPTION	DECREASE	INCREASE
<u>See Attached "Change Order Detail"</u>	<u>\$0.00</u>	<u>\$196,357.00</u>

This change order is for the installation and or modification of 54 bus stops at various locations throughout the City of Norman.

Approximately \$160,000 is available in project BG0085, with \$120,000 being a federal grant match through ACOG and \$40,000 being the local match. The remaining amount is proposed to be transferred from Capital Fund Balance.

NET CHANGE: \$ 196,357.00

REVISED CONTRACT AMOUNT \$527,242.25

CONTRACTOR: Steve Guizzo DATE: 11/03/2023

CITY ENGINEER: Tris Maly DATE: 11/03/2023

CITY ATTORNEY: Clisabeth Luckala DATE: 11/3/2023

ACCEPTED BY: _____ DATE: _____
(Mayor)

CHANGE ORDER DETAIL
CHANGE ORDER NO. 2
City of Norman
Cleveland Co., Oklahoma

Project Name: FYE 2024 SIDEWALK CONCRETE PROJECTS
Design Engineer/Manager: STEVE GUIZZO

Address/Phone: 225 N WEBSTER AVE.
NORMAN, OK 73070
405.366.5315

Project Account Number's: TC0273

Contract No. K-2324-2

- 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 re-advertising for bids on the incomplete portions of the contract.
- D. All change orders shall contain a unit price and total for each of the following items:
1. All materials with cost per item; and
 2. Itemization of all labor with number of hours per operation and cost per hour; and
 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; and
 4. Itemization of insurance cost, bond cost, social security, taxes, worker's compensation, employee benefits and overhead cost; and
 5. Profit for the contractor.
- E. 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.
- F. 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 D of this section.
- G. 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.

CHANGE ORDER (Continued)

CHANGE ORDER NO. 2

PROJECT NAME: FYE 2024 CONCRETE PROJECTS

	Description		
	FYE 2024 CITYWIDE SIDEWALK RECONSTRUCTION PROJECT		
	Acct. No. 050-90052-46101 Proj. No. TC00273		
Item	Description	Decrease	Increase
1	Unclassified Excavation Common 140 CY x \$15.00/CY=		\$2,100.00
2	Unclassified Borrow 40 CY x \$20.00/CY=		\$800.00
3	Solid Slab Sodding 2,500 SY x \$8.00/SY=		\$20,000.00
4	Remove Tree 6" to 15' in dia. 1 EA x \$800.00=		\$800.00
8	Removal of Concrete Sidewalk 4" to 6" Thick 440 SY x \$10.00/SY=		\$4,400.00
10b	Removal of 9" to 12" Concrete Pavement 110 SY x \$15.00/SY=		\$1,650.00
12	Sawing Pavement 640 LF x \$4.00/LF=		\$2,560.00
13	Install 4" Concrete Sidewalk 1150 SY x \$60.00/SY=		\$69,000.00
20	Installation of Concrete Sidewalk Ramps 32 SY x \$110.00/SY=		\$3,520.00
20a	Detectable Warning Surface 32 SF x \$30.00/SF=		\$960.00
23	Concrete Curb (6" Barrier – Integral) 26 LF x \$10.00/LF=		\$260.00
24	Concrete Curb (8" Barrier – Integral) 58 LF x \$12.00/LF=		\$696.00
27	1/2" Joint Dowel 250 EA x \$8.00/EA=		\$2,000.00
30	Removal of Curb and Gutter 100 LF x \$10.00/LF=		\$1,000.00
31	Installation of Curb and Gutter 250 LF x \$28.00/LF=		\$3,080.00
*	Mobilization 1 LS x \$50,035.00=		\$50,035.00
**	Traffic Control 1 LS x \$33,496.00=		\$33,496.00
	TOTAL PROJECT INCREASE		\$196,357.00

File Attachments for Item:

23. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AND/OR POSTPONEMENT OF AWARDED BID 2324-21, CONTRACT K-2324-70: BY AND BETWEEN THE CITY OF NORMAN UTILITIES AUTHORITY AND KRAPFF-REYNOLDS CONSTRUCTION CO. IN THE AMOUNT OF \$5,468,900.50, PERFORMANCE BOND B-2324-34, STATUTORY BOND B-2324-35, AND MAINTENANCE BOND MB-2324-23, FOR PROJECT WW0321, SEWER MAINTENANCE PROJECT (SMP) – 19, AND THE TRANSFER OF FUNDS AS OUTLINED IN THE STAFF REPORT.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: Kenneth J. Giannone, PE

PRESENTER: Kenneth J. Giannone, PE, Capital Projects Engineer

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AND/OR POSTPONEMENT OF AWARDING BID 2324-21, CONTRACT K-2324-70: BY AND BETWEEN THE CITY OF NORMAN UTILITIES AUTHORITY AND KRAPFF-REYNOLDS CONSTRUCTION CO. IN THE AMOUNT OF \$5,468,900.50, PERFORMANCE BOND B-2324-34, STATUTORY BOND B-2324-35, AND MAINTENANCE BOND MB-2324-23, FOR PROJECT WW0321, SEWER MAINTENANCE PROJECT (SMP) – 19, AND THE TRANSFER OF FUNDS AS OUTLINED IN THE STAFF REPORT.

BACKGROUND:

In 2001, the citizens of Norman approved a five dollar per month sewer maintenance fee to provide for the systematic replacement of aged and deteriorating neighborhood sewer lines. The FYE19 Sewer Maintenance Project (SMP-19) study area is shown on the attached map. After extensive study by Norman Utilities Authority's (NUA's) Engineer, Parkhill, and by NUA Sewer Line Maintenance Division and Utilities Engineering staff, the sanitary sewer lines within the study area were categorized into segments requiring replacement, rehabilitation using pipe-bursting, rehabilitation using cured-in-place-piping, or no action due to the pipe and appurtenances being in good condition.

As illustrated on the map, the SMP-19 study area is generally bounded by Lindsey Street to the north, 24th Avenue SW to the west, Highway 9 and Westbrooke Terrace to the south, and Berry Avenue to the east. It will replace over 32,000 linear feet (6.1 miles) of old sewer lines and rehabilitate or replace 162 manholes. For the large majority of the piping on the project, the selected contractor will install high-density polyethylene (HDPE) sewer pipe, primarily using the pipe-bursting technique. This technique allows long lengths of joint-less piping to be pulled into the old pipe at manholes and then burst with a bursting tool. Smaller quantities of pipe will be replaced by cured-in-place-piping techniques, in which a bladder infused with glass-reinforced plastic resin is pulled through the entire length of pipe being replaced and then cured using UV light, resulting in structurally-sound, smooth, jointless pipe within the existing pipe. With either method, house sewer service connections are then re-connected to the new pipe with approximately 565 private residences being affected.

DISCUSSION:

The advertisement for bids was published in the Norman Transcript on September 14 and September 21, 2023, with bids received and opened on October 5, 2023. As shown in the attached bid summary, even though five (5) potential bidders attended the mandatory pre-bid meeting, only a single bid was received, from Krapff-Reynolds Construction Co (KRCC) of Oklahoma City, Oklahoma. NUA staff

reached out to the other potential bidders to determine their reasons for not submitting bids. Two bidders cited heavy current workload that was scheduled to continue into 2024 and would, therefore, impede their ability to complete this project in a timely manner. Another bidder was based out of state and did not feel they could bid competitively against local contractors, and the last bidder determined that they could not meet specified experience requirements.

The bid included a Base Bid that covered all of the sanitary sewer to be replaced or rehabilitated on the project and two alternatives: Add alternate "A" covered an additive cost to video inspect all sewer laterals in the project area and Add Alternate "B" included the aforementioned sewer lateral inspection and an additional additive cost for a post construction TV inspection. Krapff-Reynolds Construction Co. submitted a base bid in the amount of \$5,315,677 and Add Alternates "A" and "B" in the amounts of \$153,612 and \$153,223.50, respectively. NUA's consultant, Parkhill, has evaluated the bid and they have deemed it to be competitive, in the best interest of the NUA, and the lowest and best bid for this project. NUA staff has also reviewed and concurs with this opinion.

NUA staff recommends award of the Base Bid and Add Alternate "B" to Krapff-Reynolds Construction Co. for \$5,468,900.50 ($\$5,315,677 + \$153,223.50 = \$5,468,900.50$). Assuming NUA approval on November 14, 2023, the contract time for the Base Bid would likely start on December 4, 2023 with a projected work start of January 2, 2024, after allowing for approval and delivery of materials. The contract completion time is 550 calendar days so the project should be complete by June 6, 2025 (December 4, 2023 + 550 calendar days = June 6, 2025).

The current year budget for SMP-19 (project WW0321) includes an unencumbered balance of \$3,209,427 (Construction Account 32193338-46101) creating a shortfall of \$2,259,473.50 to fully fund the proposed contract amount of \$5,468,900.50. In order to fully fund the project and allow for a contingency of approximately 4%, staff recommends transfer of all \$2,470,000 from FYE24 Sewer Maintenance Project (WW0337) Construction Account (32193338-46101) to FYE19 Sewer Maintenance Project (WW0321) Construction Account (32193338-46101).

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 Norman Utilities Authority (NUA) are also exempt from those taxes. A contractor and his subcontractors may exclude from their cost, sales taxes on appropriate equipment, materials, and supplies that need not be paid while acting on behalf of the NUA. To minimize project costs, the NUA will make payment directly to vendors supplying equipment and materials for incorporation into the project.

RECOMMENDATION:

Staff recommends that the NUA accept Bid No. 2324-21 and award a contract for the Base Bid plus Add Alternate "B" in the amount of \$5,468,900.50 to Krapff-Reynolds Construction Co. of Oklahoma City, Oklahoma as the lowest and best bidder; authorize approval and execution of Contract K-2324-70 with the performance, statutory, and maintenance bonds in the amount of the contract, authorize the NUA to pay vendors for equipment and supplies for the FYE19 Sewer Maintenance Project, and budget transfer of \$2,470,000 as detailed above.

Norman Utilities Authority
Project WW0321
Sewer Maintenance Program 19

Contract K-2324-70
Bid No. 2324-21

CONTRACT

THIS CONTRACT by and between the NORMAN UTILITIES AUTHORITY, a Public Trust of the State of Oklahoma, hereinafter designated as the AUTHORITY, and **Krapff-Reynolds Construction Co** hereinafter designated as the CONTRACTOR, effective the date last executed below,

WITNESSETH

WHEREAS, the AUTHORITY has caused to be prepared in accordance with law, specifications and other Contract Documents for the work hereinafter described; and has approved and adopted all of said Contract Documents; and has given and advertised an Invitation to Bid as required by law; and has received sealed Bids for the furnishing of all labor, materials and equipment for the following project:

PROJECT WW0321
Sewer Maintenance Program 19
NORMAN, OKLAHOMA

in accordance with and as outlined and set out in the terms and provisions of said Contract Documents; and,

WHEREAS, the CONTRACTOR in response to said Invitation to Bid, has submitted to the AUTHORITY in the manner and at the time specified, a sealed Bid in accordance with the terms of this said Contract Documents; and

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

Five Million, Four Hundred, Sixty-Eight Thousand, Nine Hundred and 50/100 dollars (\$) \$5,468,900.50

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

1) The CONTRACTOR shall, in good and first-class, workman-like manner at his own cost and expense, furnish all labor, materials, tools, and equipment required to perform and complete said work in strict accordance with this CONTRACT and said CONTRACT Documents, per the Table of Contents, including, but not limited to:

- the Invitation to Bid published in the Norman Transcript
- Notice to Bidders
- the Instructions to Bidders;
- the CONTRACTOR'S Bid or Proposal;
- the Bonds thereto;
- Multiple affidavits
- the Conditions of the Contract
- the Technical Specifications and Construction Drawings

all of which documents are on file in the Office of the AUTHORITY, and are made a part of this CONTRACT as fully as if the same were set out in full, with the following additions and/or exceptions:

- 1. Contract Includes Addendum No. 1, Dated 9/27/2023.
- 2. Contract Includes Addendum No. 2, Dated 9/28/2023.
- 3. Contract Includes Add Alternate "B".

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

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

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

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

3) The CONTRACTOR shall commence said work within ten (10) calendar days following receipt of a NOTICE-TO-PROCEED, prosecute the same vigorously and continuously, and complete the same within five hundred and fifty (550) calendar days following receipt of NOTICE-TO-PROCEED.

4) Time is of the essence in completion of this project and the AUTHORITY will suffer financial loss if the Work is not completed within the time(s) specified in preceding paragraph. CONTRACTOR and AUTHORITY also recognize the delays, expense, and difficulties involved in proving in a legal or arbitration proceeding such actual loss. Accordingly, instead of requiring any such proof, CONTRACTOR and AUTHORITY therefore further agree that as liquidated damages for delay (but not as a penalty) CONTRACTOR shall pay AUTHORITY One Thousand Dollars (\$ 1,000.00) for each calendar day that expires after the time specified in preceding paragraph, plus any authorized extensions thereof, for completion and readiness for final payment of each portion of the Work.

5) The AUTHORITY shall pay the CONTRACTOR for the work performed as follows:

- a) Payment for unit price items shall be at the unit price bid for actual construction quantities. (or) Payment for the lump sum price items shall be at the price bid for actual construction complete in place.
- b) Construction items specified but not included as bid items shall be considered incidental and shall not be paid for directly, but shall be included in the bid price for any or all of the pay quantities. Should any defective work or materials be discovered or should a reasonable doubt arise as to the quality of any work completed, there will be deducted from the next estimate an amount equal to the value of the defective or questionable work and shall not be paid until the defects are remedied. And that the CONTRACTOR'S bid is hereby made a part of this CONTRACT.

6) The AUTHORITY reserves the right to add to or subtract from the estimated quantities or amount of work to be performed up to a maximum of 15% of the total bid price.

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

Norman Utilities Authority
Project WW0321
Sewer Maintenance Program 19

Contract K-2324-70
Bid No. 2324-21

8) The parties mutually agree and acknowledge that this is an Oklahoma AGREEMENT and any dispute shall be resolved in accordance with the Laws of the State of Oklahoma and actions if necessary shall be brought in the District Court of Cleveland County. In the event of ambiguity in any of the terms of this AGREEMENT, it shall not be construed for or against any party on the basis that such party did or did not author the same

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

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

11) The CONTRACTOR shall furnish surety bonds and certificate of insurance as specified herein which bonds and insurance must be approved by the AUTHORITY prior to issuance of the NOTICE-TO-PROCEED and commencement of work on the project.

The following statement must be signed and notarized before this Contract will become effective.

STATE OF Oklahoma)

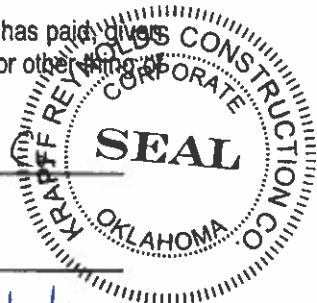
COUNTY OF Oklahoma)

I certify that I am the duly authorized agent of Krapff-Reynolds Construction Co., CONTRACTOR.

I further certify that neither the CONTRACTOR nor the anyone subject to the his/her direction or control has 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.

Krapff-Reynolds Construction
(Bidder Company Name)

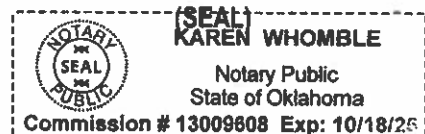
By: [Signature]
James L. King President
(printed/typed name and title)



Subscribed and sworn to before me this 11 day of October, 2023.

[Signature]
Notary Public (or Clerk or Judge)

My Commission Expires: 10/18/2025



Norman Utilities Authority
Project WW0321
Sewer Maintenance Program 19

Contract K-2324-70
Bid No. 2324-21

IN WITNESS WHEREOF, AUTHORITY and CONTRACTOR have executed this AGREEMENT;

DATED this 11 day of October, 2023

ATTEST

[Signature]
Corporate Secretary (where applicable)

Krapff - Reynolds Construction Co.
PRINCIPAL

Signed: [Signature]
Authorized Representative

James L. King President
Name and Title



Address: 2400 N.E. 4th St.
Oklahoma City, OK 73117

Telephone: (405) 733-9682

NORMAN UTILITIES AUTHORITY

APPROVED as to form and legality this _____ day of _____, 20_____.

AUTHORITY Attorney

Approved by the Trustees of the NORMAN UTILITIES AUTHORITY this _____ day of

_____, 20_____.

NORMAN UTILITIES AUTHORITY

ATTEST

By: _____

Title: Chairman

Secretary

Norman Utilities Authority
Project WW0321
Sewer Maintenance Program 19

Contract K-2324-70
Bid No. 2324-21
B-2324-34

Bond No. 107866846

PERFORMANCE BOND

Know all men by these presents that Krapff-Reynolds Construction Co, as PRINCIPAL, and Travelers Casualty and Surety Company of America, 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 Five Million, Four Hundred, Sixty-Eight Thousand, Nine Hundred and 50/100 Dollars (\$ \$5,468,900.50) for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

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

PROJECT WW0321
Sewer Maintenance Program 19
NORMAN, OKLAHOMA

has entered into a written CONTRACT (K-2324-70) with the AUTHORITY, dated _____ to perform and complete said 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.

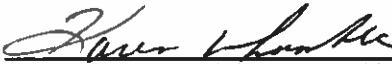
Norman Utilities Authority
Project WW0321
Sewer Maintenance Program 19

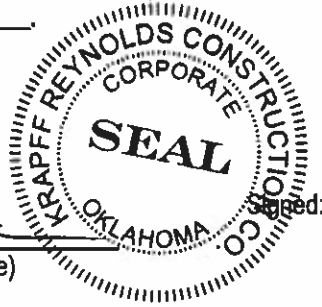
Contract K-2324-70
Bid No. 2324-21
B-2324-34

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

(Corporate Seal) (where applicable)

ATTEST


Corporate Secretary (where applicable)



Krapff-Reynolds Construction Company
PRINCIPAL

Signed: 
Authorized Representative

James L. King President
Name and Title

Address:

Krapff-Reynolds Construction Company

2400 NE 4th

Oklahoma City, OK 73117

Telephone:

405-733-9682

(Corporate Seal)

ATTEST


Corporate Secretary Becky Killman, Witness



Travelers Casualty and Surety Company of America
SURETY

Signed: 
Authorized Representative

Deborah L. Raper
Name and Title

Address:

Rich & Cartmill, Inc.

9401 Cedar Lake Avenue

Oklahoma City, OK 73114

Telephone:

405-418-8600

Norman Utilities Authority
Project WW0321
Sewer Maintenance Program 19

Contract K-2324-70
Bid No. 2324-21
B-2324-34

CORPORATE ACKNOWLEDGEMENT

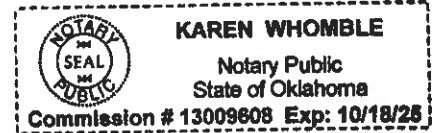
STATE OF Oklahoma)
COUNTY OF Oklahoma) §

The foregoing instrument was acknowledged before me this 16 day of October,
20 23, by James L. King Pres. of Krapff Reynolds Construction Co.
Name and Title Contractor
a Oklahoma corporation, on behalf of the corporation.

WITNESS my hand and seal this 16 day of October 20 23.

[Signature]
Notary Public

My Commission Expires: 10-18-2025



INDIVIDUAL ACKNOWLEDGEMENT

STATE OF _____) §
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,
20 ____, by _____ an individual.
Name and Title

WITNESS my hand and seal this ____ day of _____ 20 ____.

Notary Public

My Commission Expires: _____

Norman Utilities Authority
Project WW0321
Sewer Maintenance Program 19

Contract K-2324-70
Bid No. 2324-21
B-2324-35

Bond No. 107866846

STATUTORY BOND

Know all men by these presents that Krapff-Reynolds Construction Co, as PRINCIPAL, and Travelers Casualty and Surety Company of America, 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 Five Million, Four Hundred, Sixty-Eight Thousand, Nine Hundred and 50/100 Dollars (\$ \$5,468,900.50) for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

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

PROJECT WW0321
SEWER MAINTENANCE PROGRAM 19
NORMAN, OKLAHOMA

has entered into a written CONTRACT (K-2324-70) with the AUTHORITY, dated _____ to perform and complete said 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.

Norman Utilities Authority
Project WW0321
Sewer Maintenance Program 19

Contract K-2324-70
Bid No. 2324-21
B-2324-35

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

(Corporate Seal) (where applicable)

ATTEST

[Signature]
Corporate Secretary (where applicable)



Krapff-Reynolds Construction Company
PRINCIPAL

Signed: [Signature]
Authorized Representative

James L. King President
Name and Title

Address:

Krapff-Reynolds Construction Company
2400 NE 4th

Telephone:

Oklahoma City, OK 73117
405-733-9682

(Corporate Seal)

ATTEST

[Signature]
Corporate Secretary Becky Killman, Witness

Travelers Casualty and Surety Company of America
SURETY

Signed: [Signature]
Authorized Representative

Deborah L. Raper
Name and Title

Address:

Rich & Cartmill, Inc.
9401 Cedar Lake Avenue

Telephone:

Oklahoma City, OK 73114
405-418-8600

Norman Utilities Authority
Project WW0321
Sewer Maintenance Program 19

Contract K-2324-70
Bid No. 2324-21
B-2324-35

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF Oklahoma

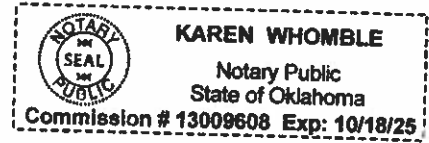
The foregoing instrument was acknowledged before me this 16 day of October,

20 23, by James L. King, Pres. of Shipts Reynolds Construction Co.
Name and Title
a Oklahoma corporation, on behalf of the corporation.

WITNESS my hand and seal this 16 day of October 20 23

[Signature]
Notary Public

My Commission Expires: 11-18-2025



INDIVIDUAL ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,

20 _____, by _____ an individual.
Name and Title

WITNESS my hand and seal this ____ day of _____ 20 _____.

Notary Public

My Commission Expires: _____

Norman Utilities Authority
Project WW0321
Sewer Maintenance Program 19

Contract K-2324-70
Bid No. 2324-21
MB-2324-23

Bond No. 107866846

MAINTENANCE BOND

Know all men by these presents that Krapff-Reynolds Construction Co, as PRINCIPAL, and Travelers Casualty and Surety Company of America, 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 Five Million, Four Hundred, Sixty-Eight Thousand, Nine Hundred and 50/100 Dollars (\$ \$5,468,900.50) for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

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

PROJECT WW0321
SEWER MAINTENANCE PROGRAM 19
NORMAN, OKLAHOMA

has entered into a written CONTRACT (K-2324-70) with the AUTHORITY, dated _____ to perform and complete said 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.

Norman Utilities Authority
Project WW0321
Sewer Maintenance Program 19

Contract K-2324-70
Bid No. 2324-21
MB-2324-23

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

(Corporate Seal) (where applicable)
ATTEST



[Signature]
Corporate Secretary (where applicable)

Krapff-Reynolds Construction Company
PRINCIPAL

Signed: [Signature]
Authorized Representative

James L. King President
Name and Title

Address: Krapff-Reynolds Construction Company

2400 NE 4th

Telephone: Oklahoma City, OK 73117

405-733-9682

(Corporate Seal)
ATTEST

[Signature]
Corporate Secretary Becky Killman, Witness

Travelers Casualty and Surety Company of America
SURETY

Signed: [Signature]
Authorized Representative

Deborah L. Raper
Name and Title

Address: Rich & Cartmill, Inc.

9401 Cedar Lake Avenue

Telephone: Oklahoma City, OK 73114

405-418-8600

Norman Utilities Authority
Project WW0321
Sewer Maintenance Program 19

Contract K-2324-70
Bid No. 2324-21
MB-2324-23

CORPORATE ACKNOWLEDGEMENT

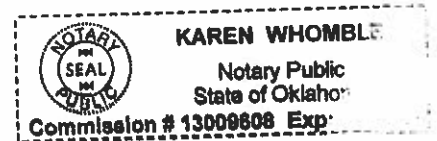
STATE OF Oklahoma)
)§
COUNTY OF Oklahoma)

The foregoing instrument was acknowledged before me this 16 day of October,
20 23, by James L. King, Pres. ~~of~~ Hoppe Reynolds Construction Co.
Name and Title
a Oklahoma corporation, on behalf of the corporation.

WITNESS my hand and seal this 16 day of October 20 23.

[Signature]
Notary Public

My Commission Expires: 10-18-2025



INDIVIDUAL ACKNOWLEDGEMENT

STATE OF _____)
)§
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____,
20 _____, by _____ an individual.
Name and Title

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

Notary Public

My Commission Expires: _____



**Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company**

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **Deborah L. Raper** of **OKLAHOMA CITY**, Oklahoma, their true and lawful Attorney(s)-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory 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, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this **21st** day of **April**, 2021.



State of Connecticut

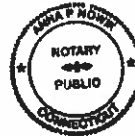
City of Hartford ss.

By: 
Robert L. Raney, Senior Vice President

On this the **21st** day of **April**, 2021, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of each of the Companies, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of said Companies by himself as a duly authorized officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires the **30th** day of **June**, 2026




Anna P. Nowik, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of each of the Companies, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary, or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

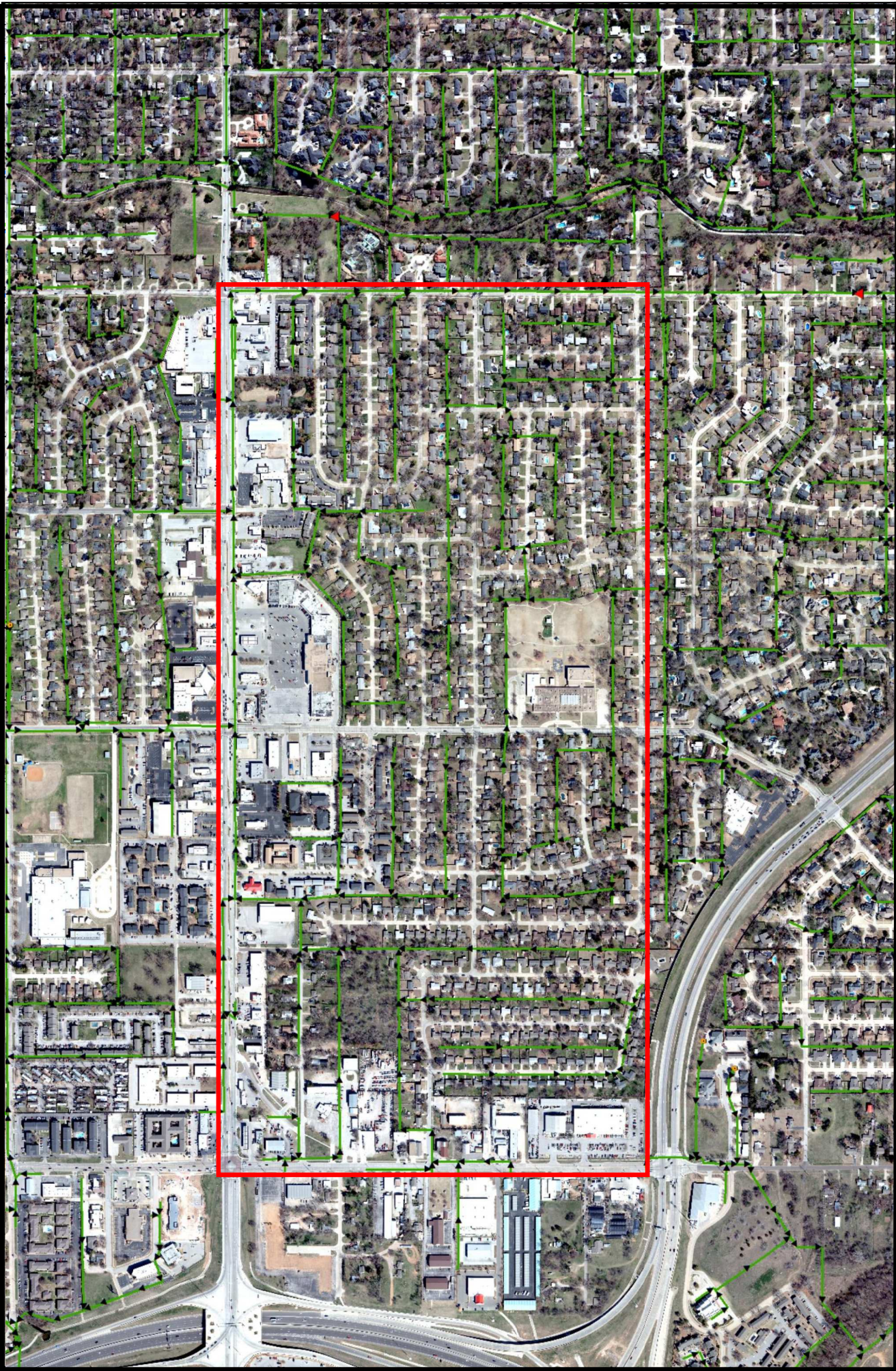
I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of each of the Companies, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this _____ day of _____,



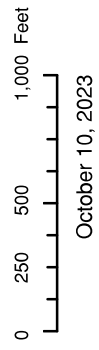

Kevin E. Hughes, Assistant Secretary

**To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.
Please refer to the above-named Attorney(s)-in-Fact and the details of the bond to which this Power of Attorney is attached.**

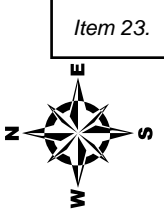


WW0321 - Sewer Maintenance Project (SMP) - 19

- SMP-19 Limits
- Existing Gravity Sewer



October 10, 2023



Item 23.

Map Produced by the City of Norman
Geographic Information System.
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.



PROJECT WW0321, SEWER MAINTENANCE PROJECT (SMP) - 19
CONTRACT NO. K-2324-70, BID NO. 2324-21
BID TABULATION

BIDDERS	BASE BID	ADD ALTERNATE A	ADD ALTERNATE B
Bennett, Inc.	~	~	~
Horseshoe Construction, Inc.	~	~	~
Krapff-Reynolds Construction Co.	5,315,677.00	153,612.00	153,223.50
Urban Contractors Inc.	~	~	~
Jordan Contractors, Inc.	~	~	~

Opened: 10.5.2023

Opened by: Esther N Rojo

File Attachments for Item:

24. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-74: AN AGREEMENT BETWEEN THE CITY OF NORMAN AND THE CENTER FOR CHILDREN AND FAMILIES TO OPERATE AND PROVIDE BOYS AND GIRLS CLUB PROGRAMMING AT THE REAVES PARK CENTER.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/23

REQUESTER: Veronica Tracy, Recreation Manager

PRESENTER: Jason Olsen, Director of Parks and Recreation

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-74: AN AGREEMENT BETWEEN THE CITY OF NORMAN AND THE CENTER FOR CHILDREN AND FAMILIES TO OPERATE AND PROVIDE BOYS AND GIRLS CLUB PROGRAMMING AT THE REAVES PARK CENTER.

BACKGROUND: In July 2023, the Parks and Recreation Department released Request for Proposal #2324-8 to solicit proposals for community programming within the Reaves Park Center located at 121 East Constitution Street. The Reaves Park Center most recently served as a construction office for the construction company working on the Reaves Park Norman Forward Renovation. When the construction company vacated the facility in Spring of 2023, the Parks and Recreation Department desired to solicit an operator to activate the area and bridge programming gaps in the Norman community.

DISCUSSION: The City received one proposal for operations at the Reaves Park Center from the Center for Children and Families, Inc. (CCFI). CCFI has served families in Norman since 1969 and currently operates youth programming at numerous locations in Norman.

CCFI's proposal included operations of a Boys and Girls Club site for teens at the Reaves Park Center. Within the Reaves Park Center, CCFI intends to create a teaching kitchen, while also providing high school students with recreational and quiet spaces that will allow them to have a separate space from school age children to have a meal, complete their homework, and socialize with friends.

The City Attorney's Office has worked with the Parks and Recreation Department as well as CCFI to draft a contract with an initial term of one year. Per the contract, the term may be automatically renewed up to four additional years. CCFI will pay for electricity for the facility, except during April and July due to the City's use of the area. The City will pay for water usage. Any alterations to the facility desired by CCFI will be funded by CCFI after approval by the City.

RECOMMENDATION: Staff recommends approval of Contract K-2324-74, an agreement between The City of Norman and The Center for Children and Families to operate and provide Boys and Girls Club programming at the Reaves Park Center.

Contract No. K-2324-74

AGREEMENT

This Agreement is a contract, made and entered into this _____ day of _____, 2023 by and between the City of Norman, a municipal corporation, hereinafter called the "City," and the Center for Children and Families, Inc., a non-profit corporation, hereinafter called "CCFI."

WITNESSETH:

WHEREAS, the City is the owner of public property in Cleveland County, Oklahoma, known as Reaves Park Center located on the southwest corner of Reaves Park and is bordered by Jenkins Avenue and Constitution Street.

WHEREAS, the City recognizes the importance of programs and activities that respond to cultural and economic diversity of the area for the further benefit of the health, safety and welfare of the residents of said City.

WHEREAS, CCFI, a United Way Agency of Norman, has served children and families in Norman since 1969.

WHEREAS, CCFI provides for the operation of the Boys and Girls Club of Norman.

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, the parties hereto agree to the use of the Reaves Center, for the operation of Boys and Girls Club of Norman programing, as follows:

- (1) The City hereby grants the right and privilege to CCFI to use, for the purpose stated, the following described property, to-wit:

That area of the Reaves Park grounds which surround and contain the building identified as the Reaves Park Center, 121 E. Constitution Street, Norman, OK 73069.

To have and to hold for a term of one (1) year from the date of the execution of this lease. Thereafter, and subject to appropriation, this Agreement shall automatically renew on the anniversary of the Effective Date for as many as four successive Terms of equal duration upon the same general terms and conditions contained in this Agreement, or until such time as this lease may be terminated as provided herein, whichever date occurs first

- (2) (a) CCFI agrees to pay to the City for such rights and privilege to accept lease of the building in the current condition, as is, without any further work by the City on the structure except for any work that is required to maintain the integrity and soundness of the structure the sum of one dollar (\$1.00) per year, which sum shall be payable in advance on or before the 1st

Contract No. K-2324-74

day of December each year of this Agreement. In lieu of additional monetary payment for use of the building and grounds, CCFI agrees to contribute obligations, services and improvements to the Reaves Park Center, which CCFI deems as appropriate in its sole discretion, as follows:

CCFI may equip the existing kitchen area as needed.

CCFI may remodel the building as needed to make it usable for its programming.

(b) CCFI shall not make any alterations, additions or improvements to the property without first notifying the City Manager or his designee, the Director of Parks and Recreation, who shall act as the agent of the City Council for purposes of achieving mutual agreement on alterations, additions, or improvements to the property. Agreement on alterations, additions, or improvements to the property shall not be unreasonably withheld, conditioned or delayed.

(c) No liens may be imposed or claims asserted against the property; therefore, the ongoing agreements for any alterations, improvements, or additions shall include the specific provision with regard to the method and timing of payment. At all stages, it shall be the responsibility of CCFI to secure lien releases from materials, contractors, and subcontractors prior to beginning any new work. CCFI shall make prompt and regular reports of any such improvements to the Director of Parks and Recreation, or upon his reasonable request pertaining thereto.

(d) Any such permanent improvements made to the building or grounds shall remain the property of the City, and CCFI shall have no claim to them or to compensation for their reasonable value or the enhanced value of the property.

(3) CCFI agrees to pay 100% of all electrical costs for the use of the Reaves Park Center 10 months out of the year, excluding April and July. Payment shall be made on a monthly basis within 30 days of invoice received from the City.

(4) It is agreed between the parties hereto that the purpose of operating the Reaves Park Center is to provide Boys and Girls Club related activities in compliance with CCFI policies and procedures. CCFI will not make or suffer any unlawful, improper, nuisance or offensive use of the premises, or any use or occupancy thereof contrary to any law or regulation, or any ordinance of City, now or hereafter made, which shall be either a public or private nuisance as those terms are defined in Oklahoma law, or which shall be injurious to any person or property, or which shall be liable to endanger or affect any insurance on the property or to increase the premium thereof. Furthermore, CCFI shall not store or allow to be stored on the premises any explosives, flammable materials, hazardous substances, dangerous materials, illegal drugs, contraband, or waste materials. Further, CCFI shall ensure that it adequately trains its employees and volunteers regarding these requirements.

Contract No. K-2324-74

(5) CCFI shall comply with all zoning regulations, code enforcement regulations, signage regulations and other laws of the U.S. Government, the State of Oklahoma and the Code of Ordinances of the City of Norman, Oklahoma.

(6) CCFI agrees to indemnify and hold the City harmless from and against all liability for injuries or death to persons, legal expense or damage to property caused by CCFI's use of said property, its right and privilege or that of its agents or employees; provided, however, that CCFI shall not be liable for injury, damage or loss occasioned by the sole negligence of the City, its agents or employees; and provided further that the City shall give to CCFI prompt and timely notice of any claim or suit instituted, which in any way directly or indirectly, contingently or otherwise, affects or might affect CCFI, and CCFI shall have the right to compromise and defend the same to the extent of its own interest.

(7) CCFI shall, at its own expense, keep in force insurance of the following types, naming the City as co-insured, and in not less than the following amounts, issued by a company or companies licensed to do business in Oklahoma and is of sound and adequate financial responsibility, against all liabilities for accidents arising out of or in connection with CCFI's use of said right and privilege, except when caused by the City's negligence or that of its agents or employees, and shall furnish to the City certificates evidencing such insurance subject to the limitations set forth above in respect to the City's sole negligence and CCFI shall furnish a certificate to the effect that such insurance shall not be changed or cancelled without ten (10) days prior notice to the City, said notice shall be written and shall be given by CCFI, to wit:

- (A) Worker's Compensation Insurance as prescribed by State Statute.
- (B) Provide insurance both liability for personal injury and property damage in limits prescribed by the Oklahoma Tort Claims Act and subsequent revisions thereto.

In 2023 the amount of coverage required would be Twenty-five Thousand Dollars (\$25,000.00) for any claim or to any claimant who has more than one claim for loss of property arising out of a single act, accident, or occurrence;

One Hundred Seventy-five Thousand Dollars (\$175,000.00) to any claimant for a claim for any other loss arising out of a single act, accident, or occurrence.

One Million Dollars (\$1,000,000.00) for any number of claims arising out of a single occurrence or accident.

CCFI acknowledges that during the term of this contract, Title 51 Okla. Stat. Section 154 may be revised and that CCFI agrees to carry coverage for the new required amounts when they go into effect.

Contract No. K-2324-74

(8) Maintenance of Property

- (A) CCFI agrees to maintain all ground areas used by it, its members or patrons in a clean, sanitary and orderly manner at all times by removing all debris, of every kind, deposited upon said ground by CCFI, its members or patrons, at the conclusion of each and every period of use, at its own expense.
- (B) CCFI shall perform all maintenance duties and activities described in the attached Exhibit A.
- (C) CCFI agrees to keep all vegetation within the described grounds viable and healthy throughout the growing season, and to mow any grass areas at least once a week if weather allows.
- (D) CCFI shall be responsible for stocking, cleaning and maintaining the restrooms.
- (E) The City shall perform the maintenance duties and activities described in the attached Exhibit B.

(9) Events on Property.

- (A) CCFI shall schedule and periodically report how the premises are used by the Boys and Girls Club. CCFI may charge for activities and programs provided at or on Center grounds.
- (B) CCFI shall provide an overall schedule to the Parks and Recreation Department of regularly scheduled programming, as well as dates of special events and other seasonal events.
- (C) This contract neither authorizes nor forbids such disciplinary measures as may be necessary to maintain order at events and programs of CCFI. CCFI's enforcement of the rules of its own programs are not authorized, sanctioned or endorsed by the City, and shall not serve as a basis for a suit against the City, its officers or employees
- (D) CCFI agrees that the City has the right of first refusal for any dates or times that the Center is open and not being used by CCFI for its programming. The City will require full use of the Center every July 3, 4 and 5th during the term of this contract. It is further agreed that should the City receive a third-party request to

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use the facilities, CCFI shall make a reasonable effort to accommodate said request, and said approval shall not to be unreasonably withheld by CCFI.

- (E) CCFI agrees that all agreements for third party use of the Center shall be designed to be financially beneficial to CCFI and that a copy of all such agreements shall be provided to the City upon request.
 - (F) It is understood that CCFI may charge a light fee to any group which is requesting light usage of the Center. It is also understood that CCFI may charge additional fees in an amount to recover any extra maintenance expenses which might be incurred by the event. CCFI agrees that all fees charged to third party agreements shall be applied consistently and be used for Boys and Girls Club programming or maintenance of the Center.
 - (G) CCFI agrees that no officer or member of CCFI shall be allowed a commission, refund or rebate of any kind relative to the Boys and Girls Club programs or this contract.
- (10) Recordkeeping and Reporting.
- (A) CCFI shall supply an annual report to the City Parks and Recreation Department and the Norman City Council prior to January 1st of each year. The annual report shall include a summary of all activity along with revenue and expenditure summaries for the preceding year. All detailed records shall be made available for review within ten days by CCFI upon request from the City of Norman. The annual report shall also include the following:
 1. Narrative of all programs and activities offered by Boys and Girls Club
 2. Organization mission statement and goals
 3. Fee structure
 4. Number of scholarships
 5. Age of participants
 6. Breakdown of revenues and expenditures by category
 7. Disclosure of all commissions, refunds and rebates to the organization
 8. CCFI's beginning and ending fund balance related to the Center and its programs
 9. Annual CCFI budget for the Center including revenue, maintenance and operating and capital costs

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- 10. Current record of officers, including who can authorize expenditures.
- 11. Names of those responsible for maintaining books and records

- (B) CCFI shall provide to the Parks and Recreation Department an estimated budget prior annually to be delivered within 30 days of CCFI budget adoption. The budgets shall include revenue and expenditure projections in the areas of programs, events, capital equipment and capital improvements.
- (C) CCFI agrees to maintain all financial records associated with programming and events at the Center for a period of seven years. These financial records shall be maintained in such detail as to account for gross receipts and expenditures for all significant organization activity related to the Center. The financial recording system shall be reviewed and approved by the City's Department of Finance for the purpose of maintaining a minimum accounting standard acceptable to both parties.
- (D) Proceeds from the operation of the Center shall be used for the operation, maintenance and improvement of the Center. The City of Norman Parks and Recreation Department shall review and report to Council annually that all necessary maintenance and improvements have been made to the Center and the surrounding grounds.

(11) It is further understood and agreed between the parties that the right and privilege granted by this contract are subject to all ordinances, rules and regulations of the City governing all the activities in Reaves Park and the Reaves Park Center, including all sanitary regulation of any governmental authority which the City may be authorized to enforce.

(12) Notice. Any notice provided pursuant to this Contract shall be mailed or delivered to such officer of the CCFI or other person as designated by CCFI. CCFI agrees to inform the City immediately after its annual election the names of its officers for the ensuing year the addresses to which such notice may be mailed or delivered. Any notice to be given to the City shall be directed to the Director of the Parks and Recreation Department of the City of Norman.

(13) Termination.

- (A) Either party shall have the right to cancel this contract for any reasons provided thirty (30) days written notice is provided. If the City is cancelling the contract, prior to the proposed effective date of cancellation, CCFI shall be afforded a hearing before the Board of Park Commissioners, if requested. The results of such

Contract No. K-2324-74

hearing shall not be binding on the City as constituting a limitation upon its power to cancel this contract

- (B) In the event this contract is cancelled, for any reason, CCFI shall have the right to remove any movable non-permanent improvements and/or structures provided or donated entirely by CCFI within ninety (90) days after cancellation of this contract, clearing all debris and litter from said property in a clean and orderly condition, to the satisfaction of the City. Any improvements or structures not moved within ninety (90) days after satisfaction of any indebtedness shall become property of the City.

- (14) CCFI agrees further that it will not deny membership in such CCFI activities, programs, or events to any person on the basis of race, religion, color, creed, sex, sexual orientation or gender, marriage, age, ancestry or national origin.

- (15) This Agreement shall not be assigned by CCFI without prior written consent of the City of Norman, said consent not to be unreasonably withheld.

- (16) This contract is governed by the laws of the State of Oklahoma. The exclusive venue for any court action related to the terms of this contract shall be the District Court in and for Cleveland County, Oklahoma.

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Contract No. K-2324-74

In Witness Whereof, the parties hereunto set their hands and seals the date first above written.

CENTER FOR CHILDREN AND FAMILIES, INC.

BY: Melissa Simpson Klink
Melissa Simpson Klink, Chief Executive Officer

Before me, the undersigned, a Notary Public in and for said County and State, this 16 day of October, 2023, personally appeared Melissa Klink to me known to be the identical person who executed the foregoing, and acknowledged to me that he/she executed the same as free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

Sara Jane Delmonte
Notary Public
Commission # 12004040

My commission expires:
04/26/2024

CITY OF NORMAN

Approved as to form and legality this _____ day of _____, 2023

City Attorney

By: _____
Mayor

ATTEST:

City Clerk

Sara Jane Delmonte
Notary Public
Oklahoma
Commission #12004040

Contract No. K-2324-74

EXHIBIT A

RESPONSIBILITIES OF
CENTER FOR CHILDREN AND FAMILIES, INC.

1. Maintain landscaping and lawns on the property adjacent to Reaves Park Center, as shown on the attached map, to include watering.
2. Mow lawns on a weekly basis as weather allows.
3. Ensure that all participants have proper and necessary safety equipment to participate in programs in a safe manner.
4. Maintain any existing watering system and monitor for leaks, if applicable.
5. Pick up trash on a daily basis in complex and common areas around Reaves Park Center and within the Center.
6. Make minor repairs and maintenance to the Center, including painting and other necessary repairs.
7. Pay the electrical cost of the Reaves Park Center for 10 months out of the year (excluding April and July).
8. Work with Community Organizations and the City in coordinating other uses of the Reaves Park Center when the Boys and Girls Club events are not being held within the Center.

Contract No. K-2324-74

EXHIBIT B

RESPONSIBILITIES OF THE CITY OF NORMAN (CITY)

1. Mowing on surrounding areas of Reaves Park that are not part of the immediate Reaves Park Center grounds.
2. Major repairs and maintenance not caused by CCFI negligence.
3. Provide and pay for water usage at Reaves Park Center.
4. Clean up and remove any litter, trash, items leftover from City use of Center during the term of this contract.

File Attachments for Item:

25. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF AMENDMENT ONE TO CONTRACT K-2324-76: AN AMENDMENT TO AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF NORMAN, OKLAHOMA, THE NORMAN UTILITIES AUTHORITY, THE NORMAN MUNICIPAL AUTHORITY, THE NORMAN TAX INCREMENT FINANCE AUTHORITY, AND THE NORMAN ECONOMIC DEVELOPMENT AUTHORITY AND SHAAKIRA CALNICK, AMENDING THE START DATE OF EMPLOYMENT AND MODIFYING THE ONSET OF CERTAIN REMEDIES.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: City Council

PRESENTER: Kathryn Walker, City Attorney

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF AMENDMENT ONE TO CONTRACT K-2324-76: AN AMENDMENT TO AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF NORMAN, OKLAHOMA, THE NORMAN UTILITIES AUTHORITY, THE NORMAN MUNICIPAL AUTHORITY, THE NORMAN TAX INCREMENT FINANCE AUTHORITY, AND THE NORMAN ECONOMIC DEVELOPMENT AUTHORITY AND SHAAKIRA CALNICK, AMENDING THE START DATE OF EMPLOYMENT AND MODIFYING THE ONSET OF CERTAIN REMEDIES.

BACKGROUND:

In August 2022, the voters of Norman approved an amendment to the City's Charter creating the position of City Auditor to be an employee of the City Council, serving in an at-will capacity, and hired, supervised, and managed by the City Council. After the Charter amendment was approved by Governor Stitt in the spring of 2023, Council directed Staff to post the new position and seek applicants. After conducting interviews and discussing the applicants, Council directed Staff to offer the position to Shaakira Calnick. Council approved an employment agreement with Ms. Calnick (Contract K-2324-76), along with Ordinance O-2324-15, a companion item for the purpose of adoption of the compensation structure for this position, consistent with the City Manager and City Attorney compensation ordinances on September 26, 2023.

DISCUSSION:

Contract K-2323-76 is proposed to be modified with this amendment in two respects. The original contract anticipated a start date of October 1, 2023. Because Ms. Calnick is moving from out of state, she was unable to start until November 6, 2023. This change is reflected in Section 19 of the Agreement. Additionally, further discussion with Council led to changes in Section 9 of the Agreement dealing with involuntary termination. This insures Ms. Calnick begins her tenure as a probationary employee, like other City employees, for the first 6 months of service.

RECOMMENDATION:

Staff recommends approval of Amendment 1 to Contract K-2324-76, which replaces Contract K-2324-76 in its entirety.

CITY AUDITOR EMPLOYMENT AGREEMENT

This Amendment, made and entered into on this November 14, 2023, by and between the City of Norman, Oklahoma, a municipal corporation, the Norman Utilities Authority, the Norman Municipal Authority, the Norman Tax Increment Finance Authority, and the Norman Economic Development Authority, the City of Norman being the sole beneficiary of each Authority (hereinafter collectively called "Employer"), and Shaakira Calnick, (hereinafter called "Employee") both of whom understand and agree as follows:

Section 1: Term

This Agreement shall remain in full force and effect from the Effective Date until terminated by the Employer or Employee as provided in this Agreement subject to sufficient appropriation of funds required under this Agreement for each fiscal year.

Section 2: Duties

- A. Employer employs the Employee as City Auditor, to perform the duties specified in the City of Norman Charter, Code of Ordinances, policies, and in the laws of the State of Oklahoma and the United States, and to perform other legally permissible and proper duties, as the Mayor and City Council shall from time to time assign. Upon appointment by the City Council, Employee shall serve as the City Auditor "at will" of the Mayor and City Council as approved by the Norman City Charter.

Section 3: Compensation

- A. Base Salary: Employer agrees to pay Employee an annual base salary of \$132,329.97 payable in installments at the same time that the other employees of Employer are paid.
- B. Qualified Deferred Compensation Account (\$457 Plan) Contribution: Employer shall make contributions as additional salary fifteen percent (15%) per annum of annual base salary into a qualified deferred compensation account (457 Plan), payable in equal installments on each regularly scheduled payroll date.
- C. In addition, consideration shall be given on an annual basis to an increase in compensation dependent on the results of the performance evaluation conducted under the provisions of Section 18 of this Agreement. Increased compensation can be in the form of a salary increase and/or performance incentive and/or an increase in benefits.

Section 4: Fringe Benefits

- A. The Employer agrees to provide fringe benefits to the Employee in the same manner as set forth in Section 600, Fringe Benefits of the City of Norman Personnel Manual, as may be amended from time to time, unless otherwise provided herein.

- B. The Employer agrees to put into force and to make required premium payments for short-term and long-term disability coverage for the Employee.
- C. The Employer shall pay the amount of premium due for term life insurance in the face amount of \$140,000. The Employer shall own the life insurance policy and the life insurance policy shall be in the name of the Employee and the Employee shall have the right to name the beneficiary of the life insurance policy.

Section 5: Vacation and Sick Leave

- A. Employee shall receive 80 hours of vacation leave and 96 hours of sick leave at the date of hire (the equivalent of 10 days of vacation leave and 12 days of sick leave) and will accrue additional vacation leave at a rate of 8 hours per month (for a maximum of 28 days per year) and sick leave at the same rate as other regular, non-union employees with the same tenure as set forth in the City's Personnel Manual. Maximum accrual rates of all leave will be subject to the same rules and regulations as other regular, non-union employees as set forth in the City's Personnel Manual.
- B. In the event the Employee's employment is terminated, either voluntarily or involuntarily by either party, the Employee shall be compensated for all accrued vacation leave and sick leave compensation as provided in Section 702.5 of the City's Personnel Manual.

Section 6: Automobile

Employee is expected to use the Employee's own vehicle in the performance of the Employee's duties. When the Employee is required to use the Employee's own vehicle for City business, not including transportation to and from work, the Employer will reimburse the Employee according to the IRS standard mileage rates for the current tax year. On an annual basis, Employee is to provide Employer with proof of insurance on the vehicle being used and evidence of a valid Oklahoma driver's license.

Section 7: General Business Expenses

- A. Employer agrees to budget and pay for reasonable travel and subsistence expenses of Employee for professional and official travel, meetings, and occasions to adequately continue the professional development of Employee and to pursue necessary official functions for Employer, including but not limited to such national, regional, state, and local governmental groups and committees in which Employee will serve as a member.
- B. Employer also agrees to budget and pay for reasonable distance learning programs, and travel and subsistence expenses of Employees for short courses, institutes, and seminars that are necessary for the Employee's professional development and maintenance of any

of the Employee's required continuing education obligations and for the good of the Employer.

- C. Employer recognizes that certain expenses of a non-personal but job related nature will be incurred by Employee, and agrees to reimburse or to pay for those general expenses. These expenses may include meals where Employer business is being discussed or conducted and participation in social events of various organizations when representing the Employer. These expenditures are subject to annual budget constraints as well as state and Employer ethics and purchasing policies. The Finance Director is authorized to disburse moneys to pay these expenses upon receipt of duly executed expense or petty cash vouchers, receipts, statements or personal affidavits.
- D. The Employer acknowledges the value of having Employee participate and be directly involved in local civic clubs or organizations. Accordingly, to the extent Employer does so for the City Manager or other Council appointees or senior managers, Employer shall pay for the reasonable membership fees and/or dues to enable the Employee to become an active member in local civic clubs or organizations.
- E. Recognizing the importance of constant communication and maximum productivity, Employer shall provide Employee a mobile phone for the Employee to perform Employee's duties and to maintain communication with Employer's staff and officials as well as other individuals who are doing business with Employer.

Section 8. Relocation Expenses

Employer agrees to reimburse Employee in an amount up to \$15,000 for standard and customary expenses related to the cost of moving to Norman, including packing, transport, storage, insurance, and unpacking of household goods and personal effects. Requests for reimbursement or payment should be supported by receipt or invoice in accordance with City policy.

Section 9. Involuntary Termination

- A. For the purpose of this agreement, involuntary termination shall occur when:
 - 1. The majority of the governing body votes to terminate the Employee in accordance with Article VIII of the City Charter at a properly posted and duly authorized meeting of the governing body.
 - 2. If the Employer or citizens act to amend any provisions of the Charter pertaining to the role, powers, duties, authority, responsibilities of the Employee's position that substantially changes the form of government or the duties of the Employee, the Employee shall have the right to declare that such amendments constitute termination.
 - 3. If the Employer reduces the base salary, compensation or any other financial

benefit of the Employee in an amount in excess of ten percent (10%) of the monetary value, such action shall constitute a breach of this agreement and will be regarded as a termination.

4. If the Employee resigns at the request of the Employer, whether formal or informal, then the Employee may declare a termination as of the date of the request.
 5. In those situations where a breach of contract can be cured, breach of contract declared by either party will be subject to a 30-day cure period for either Employee or Employer. Written notice of a breach of contract shall be provided in accordance with the provisions of Section 16.
- B. The Employer may terminate the Employee with or without good cause at any time.
- C. Employer must pay severance as described below to the Employee when employment is involuntarily terminated after completion of six months of employment following the employee's start date, unless the basis for involuntarily termination is conviction of a crime which constitutes moral turpitude; commitment of material professional misconduct by Employee, the object of which is Employee's direct or indirect financial gain; or a long term physical or mental inability of Employee to perform the duties and functions of the position.
1. Employer shall provide a minimum severance payment equal to all amounts then due and owing to the Employee, including payments for accrued and unused leave as provided in Section 6.B. above, plus twelve (12) month's salary at the then current rate of pay, less customary payroll deductions. This severance shall be paid in lump sum or in a continuation of compensation on the existing biweekly basis, at the Employee's option.
 2. For a period of one year following termination, the Employer shall pay the cost to continue the following benefits:
 - i. Health, wellness and dental insurance for the employee and all dependents as provided in Section 5(A), after which time, Employee will be provided access to health insurance pursuant to the Consolidated Omnibus Budget Reconciliation Act ("COBRA").
 - ii. Life insurance as provided in Section 5(C).
 - iii. Short-term and long-term disability as provided in Section 5(B).
 - iv. Any other available benefits to which the Employee is entitled under this Agreement.

3. The termination and severance of Employee shall be in accordance with a "Separation Agreement" agreed to by Employer and Employee which shall include a full release by Employee of Employer and all present or former City Council members, Trustees, officers, agents, servants, attorneys or employees of Employer.

Section 10: Resignation

Nothing in this Agreement shall prevent, limit or interfere with the right of the Employee to resign at anytime. In the event the Employee desires to resign employment, the Employee shall give written notice to the Employer at least thirty (30) days prior to separation. The Employer shall have no obligation to pay Employee any further compensation after the expiration of the notice period. Upon the effective date of resignation, the Employer shall pay to the Employee all accrued leave to which Employee is entitled under this Agreement. Failure to give the required thirty-day notice constitutes a waiver and forfeiture of pay for all accrued leave.

Upon the separation of the employment relationship under Section 9 or 10, the Employee agrees to return to Employer all access codes, keys, passwords, documents, files, records, computers, printers, work product and other materials coming into Employee's possession as an employee of Employer.

Section 11: Hours of Work

The Employee acknowledges the proper performance of the duties of the Employee will require the Employee to generally observe normal business hours and will also often require the performance of necessary services outside of normal business hours. The Employee agrees to devote such additional time as is necessary for the full and proper performance of the Employee's duties and that the compensation herein provided includes compensation for the performance of all such services. However, the Employer intends that reasonable time off be permitted the Employee, such as is customary for exempt employees so long as the time off does not interfere with the normal conduct of the office of the Employee.

The Employee will devote full time and effort to the performance of the Employee's duties, and shall remain in the exclusive employ of the Employer during the term of this Agreement, unless otherwise provided herein. The Employer encourages the Employee to accept invitations to speaking engagements, writing or other opportunities to communicate with the community, subject to the rules regarding confidentiality to make use of and share data and information with relevant persons and groups, and encourages the Employee to participate in pertinent seminars, groups, associations and organizations, as well as in informational meetings with those individuals whose particular skills, expertise, or backgrounds would serve to improve the capacity of the Employee to perform the Employee's Duties.

Section 12. Ethical Commitments

Employee shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fundraising activities for individuals seeking or holding elected office in the governing body, nor seek or accept any personal enrichment or profit derived from confidential information, or holding office, or misuse of public time. Employer shall support Employee in keeping these commitments by refraining from any order, direction or request that would require Employee to undertake any of the aforementioned activities. Specifically, neither the governing body nor any individual member thereof shall request Employee to endorse any candidate, make any financial contribution, sign or circulate any petition, or participate in any fund-raising activity for individuals seeking or holding elected office, nor to handle any matter involving personnel on a basis other than fairness, impartiality and merit.

Section 13. Outside Activities

The employment provided for by this Agreement shall be the Employee's primary employment. Recognizing that certain outside consulting or teaching opportunities provide indirect benefits to the Employer and the community, the Employee may elect to accept limited teaching, consulting or other business opportunities with the understanding that such arrangements must neither constitute interference with nor a conflict of interest with the Employee's responsibilities under this Agreement. Any outside consulting or business opportunities shall be subject to prior approval by the Employer and must comply with Article VIII, Section 4 of the Norman Charter.

Section 14: Indemnification

In addition to any requirement of Federal, State or Local Law, and to the extent permitted by law, Employer shall indemnify, defend, and hold Employee harmless against any and all claims (even if the allegations are without merit) or judgments for damages or injunctive relief arising from, related to, or connected with any tort, professional liability claim or demand or any other claim, whether civil, criminal, administrative, arbitative or investigative, arising out of any alleged act or omission by Employee occurring in the performance of Employee's duties or resulting from the exercise of judgment or discretion by Employee in connection with the performance of his or her duties or responsibilities, unless the act or omission involved willful or wanton misconduct or acts taken outside the course and scope of Employee's duties for the Employer. In the event that the provision of legal representation by Employer may reasonably present a legal conflict of interest, the Employee may request independent legal representation at Employer's expense, and Employer may not unreasonably withhold approval of such request subject to an agreement between Employer and outside legal counsel on an hourly rate of compensation and other terms and conditions of the representation. Legal representation provided by Employer for Employee shall extend until a final unappealable determination of the legal action. In the event independent legal representation is provided to the Employee, any settlement of any claim against Employee may not be made without prior approval of the Employer. Employee recognizes that Employer shall have the right to compromise any claim against Employee for which Employer is providing the defense.

Section 15: Other Terms and Conditions of Employment

The Employer, upon agreement with Employee, may fix other terms and conditions of employment, as it may determine from time to time, provided such terms and conditions are not inconsistent with or in conflict with any provisions of law.

The Employer understands that in addition to approving this Agreement and any modifications thereof, it must also adopt an ordinance fixing the compensation of the City Auditor. Failure to do so will constitute a breach of this agreement.

Section 16: Notices

Notice pursuant to this Agreement may be given by personal service, by email, by nationally recognized courier, or by depositing in the custody of the United States Postal Service, postage prepaid, and addressed as follows:

Employer: City of Norman
Attn: Mayor
201 W. Gray Street
Norman, OK 73069

Employee: Shaakira Calnick
Address as maintained in employee records

Notice shall be deemed given as of the date of personal service or email, as of the date of delivery by courier, or as the date five days after the date of deposit in the custody of the United States Postal Service.

Section 17: General Provisions

- A. Merger. This written Agreement contains all the terms and conditions agreed upon by the parties, and no other agreement, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind either of the parties, or to vary any of the terms contained in this Agreement.
- B. Amendments. The Employer and Employee by mutual written agreement may amend this agreement. Such amendments shall be incorporated into and made a part of this agreement.
- C. Assignment. This Agreement may not be assigned by either party without the written consent of the other party.
- D. Jurisdiction. This Agreement shall be governed by the laws of the State of Oklahoma, and the venue of any action under this Agreement shall lie with the District Court of Cleveland County or the United States District Court for the Western District of Oklahoma.

- E. Severability. If this Agreement contains any unlawful provision not an essential part of the Agreement and which shall not appear to have been a controlling or material inducement to the making of this Agreement, the unlawful provision shall be deemed of no effect and shall, upon agreement by the parties, be deemed stricken from the Agreement without affecting the binding force of the remainder.

Section 18. Performance Evaluation

- A. Employer should annually review the performance of the Employee subject to a process, form, criteria, and format for the evaluation which shall be mutually agreed upon by the Employer and Employee. The annual evaluation process, at a minimum, shall include the opportunity for both parties to: (1) conduct a formulary session where the governing body and the Employee meet first to discuss goals and objectives of both the past twelve (12) month performance period as well as the upcoming twelve (12) month performance period, (2) following that formulary discussion, prepare a written evaluation of goals and objectives for the past and upcoming year, (3) next meet and discuss the written evaluation of these goals and objectives, and (4) present a written summary of the evaluation results to the Employee. The final written evaluation should be completed and delivered to the Employee within 30 days of the initial formulary evaluation meeting.
- B. The evaluation of the Employee shall at all times be conducted in executive session of the governing body and shall be considered confidential to the extent permitted by law. Nothing herein shall prohibit the Employer or Employee from sharing the content of the Employee's evaluation with their respective legal counsel.
- C. In the event the Employer determines that the evaluation instrument, format and/or procedure are to be modified by the Employer, such modifications shall be adopted by the Employer at least three (3) months before being used to evaluate the Employee's performance.
- D. Annually, the Employer and the Employee shall define such goals and performance objectives that they determine necessary for the proper operation of the Employer's organization in the attainment of the Employer's policy objectives, and the Employer and the Employee shall further establish a relative priority among those various goals and objectives to be reduced to writing. The annual performance reviews and evaluations shall be reasonably related to the Employee's written job description and shall be based, in whole or in part, on goals for the Employee's performance that are jointly developed and adopted by the Employer and the Employee.

Section 19: Effective Date of Agreement

This Agreement shall be effective on November 6, 2023.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date and year first written above.

EMPLOYER

By: _____
Mayor Larry Heikkila, City of Norman


Attest:

Brenda Hall, City Clerk

Approved as to form and legality this ___ day of _____, 2023.

Kathryn Walker, City Attorney/General Counsel

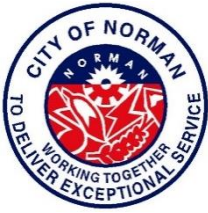
EMPLOYEE

By: 

Shaakira Calnick

File Attachments for Item:

26. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF CONTRACT K-2324-93: AN AGREEMENT BETWEEN THE CITY OF NORMAN, OKLAHOMA AND THE BOARD OF COUNTY COMMISSIONERS, CLEVELAND COUNTY, OKLAHOMA FOR A COOPERATIVE INTERLOCAL AGREEMENT FOR THE MAINTENANCE, CONSTRUCTION, AND REPAIR OF SECTION LINE ROADS, SHARED MOWING RESPONSIBILITIES, AND PROVIDING FOR CERTAIN ON-CALL SERVICES DURING INCLEMENT WEATHER.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER:

PRESENTER: Shawn O’Leary, Director of Public Works

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF CONTRACT K-2324-93: AN AGREEMENT BETWEEN THE CITY OF NORMAN, OKLAHOMA AND THE BOARD OF COUNTY COMMISSIONERS, CLEVELAND COUNTY, OKLAHOMA FOR A COOPERATIVE INTERLOCAL AGREEMENT FOR THE MAINTENANCE, CONSTRUCTION, AND REPAIR OF SECTION LINE ROADS, SHARED MOWING RESPONSIBILITIES, AND PROVIDING FOR CERTAIN ON-CALL SERVICES DURING INCLEMENT WEATHER.

BACKGROUND:

Contract K-2324-93 is an Interlocal Agreement between the City of Norman and the Board of Cleveland County Commissioners providing for certain cooperative activities between the City and the County crews. The City and County have had an annual agreement for many years; however, there was not an agreement for fiscal year 2022-2023 (FYE2023).

DISCUSSION:

This agreement continues the prior practice of allowing for cooperative road maintenance and construction activities within Cleveland County. For the first time, it also addresses shared mowing responsibilities in rural Norman and provides for a process to determine which party will be responsible for snow and ice removal during the winter season. It also sets forth a process for the provision of these services on an on-call basis. Both the County and the City benefit from the shared responsibilities set forth in this Agreement. The Agreement this year provides more detail than previous agreements related to how requests for cooperation are made and fulfilled.

RECOMMENDATION:

Staff recommends approval of Contract K-2324-93.

AGREEMENT

CLEVELAND COUNTY AND CITY OF NORMAN

This Mutual Cooperation Agreement is entered between the **BOARD OF COUNTY COMMISSIONERS, CLEVELAND COUNTY, OKLAHOMA**, (hereinafter referred to as "COUNTY") and **THE CITY OF NORMAN, OKLAHOMA**, (hereinafter referred to as "CITY") for FY 2023-2024.

Pursuant to 69 O.S. § 1903, *et seq.*, the governing boards of Cleveland County, Oklahoma, and the City of Norman, Oklahoma, find that it is to the mutual benefit of the citizens of both the CITY and the COUNTY to enter into an Agreement of Mutual Cooperation pertaining to grading, draining, hard surfacing, and snow and ice treatment of certain streets along with mowing along certain streets within the CITY which are continuations or connecting links in the State or County Highway system or other projects that mutually benefit the two jurisdictions and are located within Cleveland County.

WHEREFORE, in mutual consideration of the promises and covenants herein made, the parties hereto agree as follows:

1. If the CITY or COUNTY determines a need for grading, draining, or hard surfacing on a CITY or COUNTY road, the CITY or COUNTY may make a written request for help with the material, labor, and/or equipment to accomplish the grading, draining, and/or hard surfacing from the CITY MANAGER or appropriate County Commissioner.
2. The CITY and COUNTY will meet at least 30 days prior to the start of the winter season to determine routes of responsibility for CITY and COUNTY snow and ice removal in the event of inclement winter weather. If the CITY determines certain on-call services, including ice and/or snow treatment or removal on CITY roads during inclement weather are needed in addition to the predetermined routes and responsibilities, the CITY may make a written request as set forth herein.
3. The CITY and COUNTY will meet at least 30 days prior to the start of mowing season to determine which intersections in rural areas of Norman will be mowed by the COUNTY and which will be mowed by the CITY during the mowing season to ensure the safe travel of vehicles through such intersections.
4. The CITY'S or COUNTY'S request shall be in writing and shall state the proposed work, what part of the project is proposed to be done by each party, and the proposed time frame for completion of the work.
5. Each party may be billed, at the option of the other, for the actual cost of any and all materials, labor, etc. All costs of the project will be agreed upon in writing before work commences.
6. Engineering for each project shall be the sole responsibility of the requesting party.

7. The assisting party will determine and properly mark (sign) all detour routes, provide signage for all projects and call OKIE811 to ensure all utility lines/locations are properly identified for all work sites.
8. Projects where the assisting party provides 100% of the labor will, within five (5) days of completion, be inspected by the requesting party. If the requesting party alleges any deficiencies in the manner in which the assisting party's work was performed, the requesting party will provide written notice specifying those deficiencies within ten (10) days of the completion of said work.
9. During the time period work is being performed by the assisting party or its agents, the assisting party will be responsible for any damages caused by work performed by or on behalf of the assisting party. Once the requesting party has provided written acceptance of the work provided by the assisting party, the requesting party shall bear responsibility for any claim or judgment rendered for damages proven to be a result of acts or omissions related to maintenance or operation of a Road within its jurisdiction, control, and responsibility. The parties hereby acknowledge and agree that it is not the intent of the parties to create or add any duties or liabilities which are not mandated by the Oklahoma Governmental Tort Claims Act, 51 O.S. § 151 *et seq.* or other applicable state law.
10. Each party retains the right to perform all of the work requested, part of the work requested, or none of the work requested, at its sole discretion, with or without cause.
11. Other projects may be defined by written addendum or modifications to this agreement if approved and signed by the governing bodies of both parties.
12. This agreement shall be effective from July 1, 2023, through June 30, 2024, and may be renewed or extended annually by appropriate affirmative action of the governing bodies of both parties; provided, however, that in the event either part shall breach this agreement, then, upon said event, the aggrieved party may terminate this agreement, upon written notice to the breaching party.
13. This agreement is subject to the availability of both parties' materials or funds on hand and to each parties' fiscal year limitations.

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APPROVED this _____ day of _____, 2023.

**CLEVELAND COUNTY BOARD OF
COUNTY COMMISSIONERS**

Rod Cleveland, District 1 Commissioner

Jacob McHughes, District 2 Commissioner

Rusty Grissom, District 3 Commissioner

ATTEST:

County Clerk

Approved as to form and legality:

Assistant District Attorney

APPROVED by the MAYOR and COUNCIL of the CITY OF NORMAN this _____ day of _____, 2023.

THE CITY OF NORMAN, OKLAHOMA

MAYOR LARRY HEIKKILA

ATTEST:

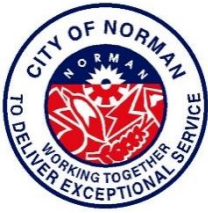
CITY CLERK

Approved as to form and legality:

City Attorney

File Attachments for Item:

27. CONSIDERATION FOR APPROVAL, ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-101: BETWEEN THE CITY OF NORMAN AND MCAFEE TAFT FOR CONTINGENCY REPRESENTATION OF NORMAN IN MULTI-DISTRICT LITIGATION FOR THE CLASS ACTION LITIGATION REGARDING DAMAGES FROM PFAS CHEMICALS.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: Kathryn Walker, City Attorney

PRESENTER: Kathryn Walker, City Attorney

ITEM TITLE: CONSIDERATION FOR APPROVAL, ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-101: BETWEEN THE CITY OF NORMAN AND MCAFFEE TAFT FOR CONTINGENCY REPRESENTATION OF NORMAN IN MULTI-DISTRICT LITIGATION FOR THE CLASS ACTION LITIGATION REGARDING DAMAGES FROM PFAS CHEMICALS.

BACKGROUND: The City of Norman was served with notice of a Proposed Class Action Settlement and Court Approval Hearing in the Multi District Litigation (MDL) pending in the United States District Court for the District of South Carolina, Charleston Division. This particular MDL involved E. I. DuPont de Nemours and Company. The City of Norman is also listed as a potential plaintiff in the MDL involving 3M Company. The DuPont case will award up to \$1.85 billion among claimants, while the 3M case will award up to \$12.5 billion among claimants. The City of Norman is an identified plaintiff in these MDLs because the City's drinking water may contain some level of PFAS (per-and poly-fluoroalkyl substances).

Both MDLs relate to claims against companies who manufactured PFAS. PFAS are a class of thousands of synthetic chemicals used both in, and in the manufacturing process of, products like cookware, food wrappers and firefighting foam. Exposure to PFAS has been linked to a variety of health problems. PFAS are known as "forever chemicals" because they do not break down naturally in the environment, and have very long half-lives in the human body.

There is evidence that PFAS are in approximately 45% of the nation's drinking water. The EPA has been conducting sample testing of PFAS in drinking water systems to determine what levels are present and to determine what levels of PFAS should require specialized water treatment to remove.

The MDLs are an attempt to shift the cost of removing PFAS from public water systems from the public water providers to the companies who manufactured products with these chemicals. The settlement funds are intended to provide funds for testing the levels of PFAS in the drinking water systems, as well as treatment and removal costs.

DISCUSSION: City Council was provided two updates regarding the litigation during Executive Sessions on October 24, 2023 and October 31, 2023. Council directed staff to bring forward for its consideration a contingency contract with the law firm of McAfee Taft to allow them to begin

representing Norman in each MDL and assist the City in determining what its best options are regarding these cases. Under the terms of the agreement, McAfee Taft would represent the City for a contingency fee of 25% if settled prior to empanelment of a jury, and 30% if settled after the empanelment of a jury. Any recovery would first be reduced by costs incurred in the representation, meaning the City would not have to pay for these costs until the case is settled or tried with a verdict in the City's favor. Such costs would then be taken from the recovery amount. Staff requested that McAfee Taft provide periodic updates on case specific costs, and that if such costs are anticipated to exceed \$10,000, the cost must be approved by the City prior to being incurred. The City could be responsible for paying costs if costs are awarded to the Defendant on the City's claims.

RECOMMENDATION: Staff recommends approval of K-2324-101.

LEGAL REPRESENTATION AGREEMENT

THIS AGREEMENT is made the ___ day of _____, 2023, between the City of Norman, Oklahoma (the “City”), and McAfee & Taft A Professional Corporation and Fulmer & Sill (collectively, the “Attorneys”).

WHEREAS, the City believes that it has a cause of action against certain Manufacturers of PFAS and Aqueous Film-Forming Foams (AFFF’s) and others (collectively, the “Defendants”) for damages and equitable relief arising out of the conduct of the Defendants in connection with the manufacturing, marketing and distribution of PFAS & AFFF’s (the “Claims”).

WHEREAS, the City represents that they are the owner of the Claims and have not assigned, modified, settled or received payment for the Claims, or entered into any prior fee agreement with any other attorney(s) with respect to the Claims.

NOW, THEREFORE, IT IS AGREED between the City and the Attorneys as follows:

1. **Contingent Fee.** In consideration of the services to be rendered by the Attorneys in connection with the Claim against Defendants, if the City obtains a recovery on their Claim, the City agrees to pay Attorneys the following attorneys’ fees for the risks of prosecuting this case on a contingency fee basis:

- a. If the case is settled prior to empanelment of a jury, a sum equal to twenty-five percent (25%) of the Recovery; and
- b. If the case is settled after empanelment of a jury, or a judgment in favor of the City is obtained, a sum equal to thirty-percent (30%) of the Recovery;

(the “Contingency Fee”). In calculating the Contingency Fee, the Recovery will first be reduced by the Costs as defined in paragraph 4 of this Agreement, and increased by any court awarded attorneys’ fees as defined by Paragraph 3.

2. **Recovery.** The term “Recovery” as used herein shall mean all sums and things of value received pursuant to any demand upon or litigation against Defendants whether said sums are received pursuant to settlement, court proceedings or otherwise.

3. **Court-Awarded Attorneys’ Fees.** If the City recovers court-awarded attorneys’ fees, the amount awarded shall be deemed part of the Recovery. The City understands that if they do not prevail on certain claims that may be asserted against the defendants, there is a potential for the Court to award attorneys’ fees and costs in favor of Defendants. City understands and agrees that any such award in favor of Defendants will be against the City, and the City will be solely liable to satisfy such judgment. Attorneys will not be liable for a judgment of attorneys’ fees awarded in favor of Defendants.

4. **Costs.** All necessary costs and expenses incurred in connection with the Claims, including but not limited to court costs, deposition costs, expert witness fees, witness expenses,

computer forensic expenses, e-discovery, copying, Westlaw and/or other legal research fees, settlement expenses, telephone, travel and lodging expenses of the Attorneys in connection therewith, shall initially be paid for by the Attorneys. The law firms will use reasonable professional judgment as to the necessity for the number of attorneys at formal settlement conference, pretrial conference or trial. Costs may include case specific expenses and the City's pro rata share of any general case expenses or assessments. General case expenses are those expenses incurred in the prosecution of the City's Claims for the benefit of the City that may also arise for other similarly situated municipalities, counties, airport trust and other parties involved in the PFAS & AFFF's litigation. Case specific costs incurred will be reported to City Attorney's staff on a quarterly basis. Case specific costs that are anticipated to be over \$10,000 must be approved by City before being incurred. To the extent the City's pro rata share of any general case expenses would exceed over \$10,000 for a specific anticipated general case expenses, that cost must approved by the City before being incurred. If it is determined that the City must pay an assessment to the MDL proceedings for attorneys' fees, legal expenses and/or costs connected to the MDL (the "MDL Assessment"), then the MDL Assessment shall be treated as Costs under this Agreement and will be paid to the MDL prior to the calculation of the Recovery. All costs incurred by Attorneys shall be deducted from any amounts received and repaid to Attorneys before the Recovery is calculated. To the extent the City receives an award of costs from the Court, the amount awarded shall be deemed part of the Recovery. If no Recovery is obtained, City will have no obligation to pay costs, unless the costs are costs awarded to Defendants by the Court on the City's Claims.

5. **Assignment of Portion of Claim.** City hereby transfers and assigns to Attorneys an undivided interest in City's claims. The undivided interest hereby assigned to Attorneys by City is equivalent to the fees, costs, and expenses, including the percentage of any Recovery, that City, by this Agreement, promises to pay to Attorneys. The undivided interest assigned by this Agreement is a present, not an executor interest.

6. **Settlement Decisions.** All decisions relative to acceptance or rejection of any settlement offer will remain the sole discretion of the City, provided, however, if the City neglects to accept the Attorneys' advice on whether to accept any settlement offer, the City agrees they will become liable for all costs incurred in said action and any attorneys' fees billed after the date the City receive written notification from Attorneys that they should accept the settlement offer.

7. **Attorneys' Obligations.** The Attorneys agree that they will diligently institute and prosecute said action to a final determination, make all reasonable and necessary efforts to collect any judgment that may be rendered therein in favor of the City; that they will promptly communicate to the City any offers of compromise; and that, in the event of a judgment unfavorable to the City, they will, if in the Attorneys' sole judgment reasonable grounds therefore exist, appeal said cause and prosecute the same to final determination. Attorneys shall staff this matter with such attorneys and legal assistants as they deem appropriate.

8. **Withdrawal.** Attorneys may withdraw from representation of City's Claims at any time with written notice.

9. **No Guarantee.** The City acknowledges that Attorneys have made no guarantee regarding the successful prosecution of the Claims, nor any guarantee regarding the Recovery or the type of relief, if any, which the City may obtain therefrom. Further, the City acknowledges that the Attorneys do not warrant or represent the validity of the Claims, the results of any action or the collectability of any judgment.

10. **Multiple Representation.** The City understands and agrees that Attorneys may represent other clients, including governmental entities, in connection with claims against Defendants. Defendants may attempt to settle cases in groups under a matrix-type system whereby our clients are offered different settlement amounts, depending on the circumstances of different groups of clients categorized by the specific allegations of misconduct and/or severity of damages. Once settlement value under the “matrix” is determined, the City is given the opportunity to accept or reject the settlement and/or injunctive relief being offered, within the matrix system. Defendants may also try to settle all or a portion of our clients’ cases as a group, meaning the Defendants may attempt to settle all or a portion of your Claim along with a number of other similar cases the Attorneys are handling. The allocated amount the City will receive under any group settlement will be communicated to the City and the City may approve or reject participation in the group settlement. The City agrees to the above settlement procedures. The City also agrees that Attorneys may retain or work with other attorneys, consultants and/or experts; however, such will not increase the attorneys fees paid by the City.

11. **Conflict Waiver.** The City recognizes that McAfee & Taft and Fulmer Sill are multiservice law firms that practice in multiple areas some that deal with municipal law. The City agrees that it will not use the Attorneys’ representation of the City or this Agreement to assert a conflict of interest against McAfee & Taft or Fulmer Sill or members of such law firms, and hereby waives any current or potential conflict of interest that may occur in the future; provided that this waiver shall not prevent the City from objecting to a conflict with respect to Attorneys’ representation of any defendant which the City asserts claims against in the PFAS/AFFF litigation. The City also acknowledges that Attorneys’ representation of clients in matters adverse to the City will not: (i) adversely affect the relationship between attorneys and the City relating to Attorneys’ representation of the City in the PFAS/AFFF litigation contemplated by this Agreement; or (ii) material limit Attorneys’ representation in such matters.

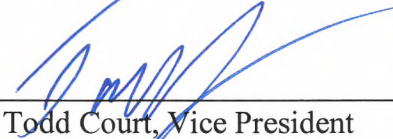
12. **Severability.** In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions thereof and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

13. **Amendments and Modifications.** The City and the Attorneys specifically acknowledge and agree that this Agreement constitutes the entirety of their agreement and supersedes and replaces any and all prior agreements, negotiations, or discussions between them; and, that this Agreement shall not be amended, modified, or changed in any manner whatsoever unless such amendments, modifications, or changes shall be in writing and signed by all the parties hereto.

14. **Choice of Law.** This Agreement shall be construed in accordance with the laws of the State of Oklahoma.

ATTORNEYS:

McAfee & Taft



By: Todd Court, Vice President

Fulmer Sill



By: Matt Sill


NOTARY PUBLIC

My commission #01012092 expires: 07/19/2025



APPROVED by the City Council of The City of Norman, Oklahoma, on the ____ day of _____, 2023.

MAYOR

ATTEST:

City Clerk

REVIEWED as to form and legality this ____ day of _____, 2023.

City Attorney

File Attachments for Item:

28. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-78: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING JOINT PETITION SETTLEMENT OF THE CLAIM FILED BY JONATHAN C. STAMPER UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF *JONATHAN C. STAMPER V. THE CITY OF NORMAN*, WORKERS' COMPENSATION COMMISSION CASE 2022-03706 J; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COMMISSION, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COMMISSION JUDGMENT FROM THE RISK MANAGEMENT INSURANCE FUND.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/23

REQUESTER: Jeanne Snider

PRESENTER: Jeanne Snider, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-78: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING JOINT PETITION SETTLEMENT OF THE CLAIM FILED BY JONATHAN C. STAMPER UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF *JONATHAN C. STAMPER V. THE CITY OF NORMAN*, WORKERS' COMPENSATION COMMISSION CASE 2022-03706 J; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COMMISSION, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COMMISSION JUDGMENT FROM THE RISK MANAGEMENT INSURANCE FUND.

BACKGROUND:

Jonathan Stamper is a former Firefighter for the City of Norman's Suppression Division of the Fire Department. He was hired on March 4, 1996 and after 26 years of employment, retired on March 31, 2022. Mr. Stamper filed Workers Compensation Commission Case 2022-03706 J on June 21, 2022, alleging a single incident injury to the Lower Back and Right Knee on September 30, 2021 when he slipped on a cross-tie while transporting a patient on a cot. The case was accepted and proceeded through the normal litigation process.

Prior to a trial being held, Mr. Stamper has agreed to a settlement in the total amount of \$25,920.00, which represents 20 percent permanent partial impairment (PPI) to the whole body regarding the Low Back and zero percent PPI to the right leg regarding the Right Knee, over and above a prior award. The settlement is recommended for consideration by the City Council.

DISCUSSION:

Medical Treatment. Mr. Stamper was examined at Norman Regional Occupational Medicine the same day of his injury and was prescribed a course of conservative care to include knee bracing and physical therapy, which resolved his right knee pain. Mr. Stamper reportedly had a previous

back injury and fusion at L4-5 in 2009; however, had no current issues prior to this injury. Due to a plateau in improvement of Mr. Stamper's low back, he was sent for a magnetic resonance imaging (MRI) on November 19, 2021, which showed mostly chronic, degenerative changes of the lumbar spine and reportedly may have caused acute exacerbation to an underlying condition. He was referred to Dr. Hume and a work hardening program was recommended. Mr. Stamper's treating physician was then changed to Dr. de la Garza, the spine surgeon who had performed his previous fusion. He was seen by Dr. de la Garza on February 1, 2022 for low back and radicular pain and was treated conservatively. Due to continued symptomatology, he was referred to Dr. Porter and underwent a lumbar epidural steroid injection on May 3, 2022 and lumbar transforaminal epidural steroid injection on July 19, 2022. Mr. Stamper continued to follow-up with Dr. de la Garza and due to continued symptomatology, surgical management was recommended. On September 14, 2022, he underwent surgical intervention to include posterior hardware removal at L4-5 with exploration of fusion at L4-5 as well as full central laminectomy and bilateral medial facetectomy at L3-4 with posterior fusion and instrumentation at L3-4 with reinstrumentation at L4-5 followed by a home exercise program. On April 27, 2023, Mr. Stamper was released at maximum medical improvement by Dr. de la Garza.

Issues for Trials. There is no question Mr. Stamper injured his low back and right knee in the course of his employment with the City. The primary issues to be tried before the Workers' Compensation Commission are the extent of Mr. Stamper's injuries and whether the injuries were permanent in nature. Permanent partial disability is a factual determination made by the Workers' Compensation Commission Trial Judge based on doctors' opinions and medical records regarding the extent of permanent partial impairment.

Evaluations. Mr. Stamper was evaluated by Dr. Lance Rosson, D.O. on May 17, 2023, regarding the above claim and opined a rating of 29 percent (\$37,584.00) PPI to the whole body regarding the low back over and above any pre-existing condition/impairment. The right knee was not rated. In addition, Dr. Rosson opined Mr. Stamper should be given entitlement to continued medical benefits in the nature of prescription medications on an as-needed basis as well as other treatment that his treating physician or further selected physicians might deem necessary with respect to this job-related injury. He also opined Mr. Stamper be given ongoing and continued medical maintenance indefinitely for implanted medical devices/prosthetic/ instrumentation.

He was then rated on August 29, 2023 by William Jones, M.D., MPH, the medical expert for the City. Dr. Jones opined 7 percent (\$9,072.00) PPI to the whole man regarding the lumbar spine and zero percent PPI to the right leg regarding the right knee. In addition, he opined that the fusion hardware is not a prosthetic or medical device and is not intended to be serviced, refilled, replaced or repaired. The City's maximum exposure for total PPI would be \$37,584.00.

Trial. The case proceeded through the normal litigation process; however, Mr. Stamper has agreed to a settlement of the case as outlined below. If a trial was held, the Judge could determine nature and extent to his injuries and award permanent partial disability.

Proposed Settlement. The proposed settlement closes Workers' Compensation Case 2022-03706 J in a lump sum payment of \$25,920.00 (less attorney fee) representing the settlement amount discussed above. Pursuant to 85A O.S. § 31(7), for injuries occurring on or after July 1, 2019, a Multiple Injury Trust Fund assessment in the amount of \$777.60, representing (3%) of the permanent partial disability award shall be deducted and paid to the Oklahoma Tax

Commission.

It is felt that the settlement is fair and reasonable. A settlement is beneficial to the City in that it is a full, final and complete settlement of any and all claims and closes out any continued medical treatment. This settlement is beneficial to Mr. Stamper in that it provides certainty for an award and would be paid in a lump sum rather than at a weekly rate over a period of time.

Furthermore, if the case was settled in this manner, the City would incur additional costs and fees of:

Workers' Compensation Administration Fund Tax in the amount of \$518.40; Special Occupational Health & Safety Tax in the amount of \$194.40; and Workers Comp Commission Filing fee in the amount of \$140. In addition, the City would incur an additional cost and fee for the Cleveland County Court Filing Fee in the amount of \$154.14.

These additional costs and fees total \$1,006.94, which brings the total cost of this settlement to the City to \$26,926.94. Adequate funds are available in the Order/Settlements Account (43330102-42131).

RECOMMENDATION:

For the reasons outlined above, it is believed the settlement is fair, reasonable, and in the best interest of the City. Acceptance of the settlement would require the payments as outlined above. If approved, the settlement amount would be paid to Mr. Stamper and his attorney in a lump sum. The settlement would be certified to the Cleveland County District Court to be placed on the property tax rolls for collection over the next three years in accordance with 85A O.S. § 107, 51 O.S. § 159, and 62 O.S. § 361, *et seq* and 85 O.S. § 313, 51 O.S. § 159, and 62 O.S. § 361, *et seq*. Certifying the order to the property tax rolls would, in effect, reimburse the City's Workers' Compensation Fund over the next three years.

R-2324-78

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING JOINT PETITION SETTLEMENT OF THE CLAIM FILED BY JONATHAN C. STAMPER UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF *JONATHAN C. STAMPER V. THE CITY OF NORMAN*, WORKERS' COMPENSATION COMMISSION CASE 2022-03706 J; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COMMISSION, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COMMISSION JUDGMENT FROM THE RISK MANAGEMENT INSURANCE FUND.

- §1. WHEREAS, Jonathan C. Stamper, a former Firefighter for the City of Norman Fire Department, Suppression Division, alleged a single incident injury to the Low Back and Right Knee when he slipped on a cross-tie while transporting a patient on a cot on September 30, 2021; and
- §2. WHEREAS, the City of Norman has negotiated settlement for the claim of Jonathan C. Stamper against the City of Norman, under the Workers' Compensation Statutes for a total of \$25,920.00, which represents (\$25,920) 20 percent permanent partial disability to the whole body regarding the low back and zero percent permanent partial disability to the right leg regarding the right knee to be paid in a lump sum settlement to Mr. Stamper, and such settlement is believed to be fair and reasonable; and
- §3. WHEREAS, the City shall incur additional costs for the settlement for payment for Workers Compensation Commission Case 2022-03706 J to the Workers' Compensation Administration Fund in the amount of \$518.40; the Special Occupational Health and Safety Fund in the amount of \$194.40; filing fee in the Workers' Compensation Commission in the amount of \$140.00; and filing fee in the Cleveland County District Court in the amount of \$154.14; and
- §4. WHEREAS, the Risk Management Insurance Fund of the City of Norman has heretofore appropriated funds for the payment of Workers' Compensation settlements covering injuries to qualified persons employed by the City of Norman; and



R-2324-78

§5. WHEREAS, the judgment and award should be transmitted and certified to the Workers' Compensation Commission, Oklahoma City, Oklahoma, which when filed will constitute judgment against the City of Norman, which it is entitled to purchase with funds out of the Risk Management Insurance Fund pursuant to Okla. Stat. tit. 85, § 107, Okla. Stat. tit. 51, § 159, and Okla. Stat. tit. 62, § 361, *et seq.*; and

§6. WHEREAS, the City Council finds it will be in the best interest of the City if the funds of the Risk Management Insurance Fund are invested in said judgment; and

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

§7. That the Legal Department is authorized to enter into settlement with Jonathan C. Stamper for not more than \$25,920.00 for any and all claims that he has or may have against the City of Norman under the Workers' Compensation Statutes for any and all injuries known or unknown which occurred while working for the City of Norman; and

§8. That the Legal Department is directed to hereinafter file such settlement in the Workers' Compensation Commission, Oklahoma City, Oklahoma, along with all attendant costs therefore, as provided by law; and

§9. That the Finance Director is authorized and directed to purchase such judgment of the Workers' Compensation Commission, Oklahoma City, Oklahoma, out of funds of the Risk Management Insurance Fund of the City of Norman.

PASSED AND ADOPTED this 14th day of November, 2023.

Mayor

ATTEST:

City Clerk

STAMPER, Jonathan C.

CM-2022-03706 J (Low Back, R Knee)
 SS# XXX-X7-1017
 City Council Date 11/14/23
 Atty: Jeffrey Cooper
 Trial Date: N/A Order Date: N/A
 DOH: 3/4/1996 Separation: Retired 3/31/22
 RTW: NA MMI: 4/27/23

Date of Injury: 9/30/21 (SI)
 PPD Wage: \$360

Memo
 Resolution R-2324-78
 Purchase Requisitions

Permanent Partial Disability Settlement	\$25,920.00	20% Low Back	
	<u>\$0.00</u>	0% Right Knee	
	\$25,920.00		
Attorney Fees (20% of PPD)	\$ (5,184.00)		
Net to Claimant	(\$20,736.00)		
Total PPD Settlement	\$25,920.00		
Multiple Injury Trust Fund (3% of PPD-After 7/1/19)	(\$777.60)		43330102-42134
Net to Attorney & Claimant (Less MITF)	25,142.40		43330102-42131

City's Settlement Costs (953-092)

		Vendor	
Workers Comp. Admn. Fund (2% of PPD)	\$ 518.40	2267	43330102-42133
Occupational & Health Trust Fund (0.75%)	\$ 194.40	1950	43330102-42135
Filing Fee - Workers Compensation Commission	<u>\$ 140.00</u>	12122	43330102-44704
	\$ 852.80		
Filing Fee - Cleveland County District Court	<u>\$ 154.14</u>	434	43330102-44703
	\$1,006.94		
Total Settlement Cost (PPD, TTD, Costs)	\$26,926.94		

Settlement forms:

	<u>Copies</u>	Filed in WCC	Filed in Dist.Ct.
IF Compromise Settlement	11	x	
Affidavit of Foreign Judgment	4		x
Assignment of Judgment	4		x
Checks with case name on them	1		
Certificate of Mailing	3	x	

File Closing procedure

	<u>Completion Date</u>
Send Tax Roll Memo to Finance (1st) w/Agenda Approval	
Send in Taxes to Tax Commission	
Send filing fee to Comp Court	
Mail Certified Copy of JP or CS - Mail to all providers	
File Affidavit & Assignment in District Court	
Send Tax Roll Memo to Finance (1nd) w/Aff & Assignment	
Final Letter to Attorney (Sending Aff/Assignment)	
Log onto Legal's tracking spreadsheet (Legal/WC/Audits)	
Index in file list & place in storage	
Send Closing Letter to Claimant's Attorney	

File Attachments for Item:

29. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF RESOLUTION R-2324-80: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AND THE NORMAN MUNICIPAL AUTHORITY TRANSFERRING \$37,609.76 FROM THE REIMBURSEMENTS-REFUNDS-MISCELLANEOUS GENERAL ACCOUNT TO BE USED FOR THE SENIOR WELLNESS CENTER PROJECT.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: Jason Olsen, Director of Parks & Recreation

PRESENTER: Elisabeth Muckala, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF RESOLUTION R-2324-80: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AND THE NORMAN MUNICIPAL AUTHORITY TRANSFERRING \$37,609.76 FROM THE REIMBURSEMENTS-REFUNDS-MISCELLANEOUS GENERAL ACCOUNT TO BE USED FOR THE SENIOR WELLNESS CENTER PROJECT.

BACKGROUND:

In October 2015, Norman citizens passed the NORMAN FORWARD initiative, funding various quality-of-life projects through a one-half percent (½%) sales tax increase over fifteen (15) years. The NORMAN FORWARD initiative included authorization for a project to construct a new Senior Citizen's Recreation Center. After ongoing community input, the project's scope was expanded into a Senior Wellness Center, later named the Adult Wellness and Education Center (AWE).

The AWE will be located on City-owned land on the southeast corner of Norman Regional Health System's (NRHS) Porter Wellness Village, off North Findlay Avenue. The new AWE will include an indoor, heated saltwater pool with lap swimming, water walking, and hydrotherapy seating; an indoor walking track and training space; a fitness classroom area; lounge and game rooms; both wet and dry craft areas; a small prep and demonstration kitchen; and multipurpose rooms that can be used for eating, events, classes, theatrical plays, games, and much more.

The property on which the AWE project is located is directly adjacent, to the east, of property owned by the Norman Regional Hospital Authority d/b/a Norman Regional Health System (NRHS) and subject to a long-term lease by NRHS to NEP Norman, LP ("NEP Parcel"). As a long-term ground lessee, NEP has constructed a structure on the NEP Parcel and coordinated with the City of Norman regarding construction of a fire circulation drive for the joint use and benefit of the City Parcel and NEP Parcel.

On October 10, 2023, the City Council approved Contract K-2324-84 Compensation Agreement with NEP Norman, LP for AWE Center Fire Circulation Drive Construction. The Agreement provided that NEP is responsible to pay fifty percent (50%) of the construction cost associated with the portion of the Fire Circulation Drive that sits on the City Parcel. NEP's share of the

construction cost under the Agreement was \$37,609.76. The City deposited these funds in the General Fund revenue account Reimbursements-Refunds-Miscellaneous General (Account 109-365251). An appropriation is needed to move the funds into the AWE project budget.

RECOMMENDATION:

City Staff recommends approval of R-2324-80 to transfer the funds of \$37,609.76 from revenue account Reimbursements-Refunds-Miscellaneous General (Account 109-365251) to the Norman Forward Fund, Senior Wellness Center Project, Construction account (51793365-46101; Project NFP111) for use in the AWE project budget.

Resolution

R-2324-80

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AND NORMAN MUNICIPAL AUTHORITY, TRANSFERRING \$37,609.76 FROM THE REIMBURSEMENTS-REFUNDS-MISCELLANEOUS GENERAL ACCOUNT TO BE USED FOR THE SENIOR WELLNESS CENTER PROJECT.

- § 1. WHEREAS, in October 2015, Norman citizens passed the NORMAN FORWARD initiative, funding various quality-of-life projects through a one-half percent (½%) sales tax increase over fifteen (15) years; and
- § 2. WHEREAS, after ongoing community input, the project's scope was expanded into a Senior Wellness Center, later named the Adult Wellness and Education Center (AWE); and
- § 3. WHEREAS, the property on which the AWE project is located is directly adjacent, to the east, of property owned by the Norman Regional Hospital Authority d/b/a Norman Regional Health System (NRHS) and subject to a long-term lease by NRHS to NEP Norman, LP ("NEP Parcel"); and
- § 4. WHEREAS, as a long-term ground lessee, NEP has constructed a structure on the NEP Parcel and coordinated with the City of Norman regarding construction of a fire circulation drive for the joint use and would benefit both parties and that the NEP would be responsible for fifty percent (50%) of the construction costs; and
- § 5. WHEREAS, on October 10, 2023, the City Council approved Contract K-2324-84 a Compensation Agreement with NEP Norman, LP for AWE Center Fire Circulation Drive Construction and \$37,609.76 were deposited in the General Fund revenue account Reimbursements-Refunds-Miscellaneous General account.

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

- § 6. That the following appropriation of funds be approved for the reason as stated above.

<u>Account Name</u> (Gaining Account)	<u>Losing Account</u>	<u>Gaining Account</u> <u>Number</u>	<u>Amount</u>
NORMAN FORWARD Fund, Senior Wellness Center Project, Construction	Reimbursements-Refunds- Miscellaneous General (109-365251)	51793365-46101; Project NFP111	\$37,609.76

PASSED AND ADOPTED this 14th day of November, 2023

Mayor/Chairman

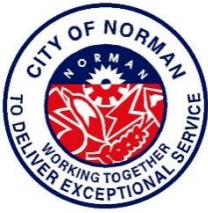
ATTEST:

City Clerk/Secretary



File Attachments for Item:

30. CONSIDERATION OF ADOPTION, REJECTION, POSTPONEMENT AND/OR AMENDMENT OF RESOLUTION R-2324-81: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN ESTABLISHING AN AFFORDABLE HOUSING COMMUNITY REVITALIZATION PLAN TO ENCOURAGE THE DEVELOPMENT OF AFFORDABLE HOUSING THROUGHOUT THE CITY OF NORMAN.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: Anthony Purinton, Assistant City Attorney

PRESENTER: Anthony Purinton, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, POSTPONEMENT AND/OR AMENDMENT OF RESOLUTION R-2324-81: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN ESTABLISHING AN AFFORDABLE HOUSING COMMUNITY REVITALIZATION PLAN TO ENCOURAGE THE DEVELOPMENT OF AFFORDABLE HOUSING THROUGHOUT THE CITY OF NORMAN.

BACKGROUND:

The City of Norman is in a very unique position to utilize a portion of the funding received from the American Recovery Program Act (ARPA) to address the shortage of affordable housing within our community. The City originally allocated 6.4 million dollars of its ARPA award to be used for Affordable Housing. The City used some of that funding to purchase real property located on the NE Corner of Imhoff and Oakhurst as a potential location for an affordable housing development. The City selected a developer after issuing an RFP, and the agreements between the City and the Developer anticipate the development of a 75 unit affordable housing development using City ARPA funds in conjunction with Low Income Housing Tax Credit funding ("LIHTC").

The Oklahoma Housing Finance Agency is the entity that awards and allocates federal and state funding for several government subsidies related to affordable housing, including the LIHTC program. The proposed affordable housing project on the NE corner of Oakhurst Ave. and E Imhoff Rd. will be submitting applications through OHFA requesting federal funding. Applications receive an additional point if the project is located in a Qualified Census Tract (as determined by HUD) and contributes to a concerted community revitalization plan. According to OHFA's application standards, the application must provide the following documentation from the local governing body:

"The revitalization plan must be signed by the local governing body with jurisdiction over the site within which the proposed Development is located at the time of Application and must include a brief description of the plan, a brief description of how affordable housing benefits the plan, and a brief statement regarding the need for affordable housing in the area affected by the plan."

DISCUSSION:

This resolution creates an Affordable Housing Revitalization Plan by incorporating the findings and recommendations by some of the efforts already taken by the City to evaluate and create strategies for the City's affordable housing needs. Furthermore, the resolution explicitly acknowledges that the proposed development on the NE corner of Oakhurst Ave and E Imhoff Rd. will contribute positively to the needs and goals identified in those plans. Adopting the resolution increases the chance the project receives federal funding, which would be necessary to secure additional affordable housing units that benefit the Norman community.

RECOMMENDATION:

City Staff recommends City Council adopts Resolution R-2324-81 as presented.

Resolution

R-2324-81

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN ESTABLISHING AN AFFORDABLE HOUSING COMMUNITY REVITALIZATION PLAN TO ENCOURAGE THE DEVELOPMENT OF AFFORDABLE HOUSING THROUGHOUT THE CITY OF NORMAN.

- § 1. WHEREAS, the City of Norman has a documented need for more affordable housing units; and
- § 2. WHEREAS, the City of Norman is committed to creating and encouraging the development of additional affordable housing; and
- § 3. WHEREAS, the City of Norman adopted the 2020-2024 Consolidated Plan, GID-1920-77 which was adopted by City Council on 5/12/2020, the relevant portions of which are attached hereto as “Exhibit A”; and
- § 4. WHEREAS, the City of Norman funded the creation of an action plan, which was completed by Homebase in February 2022, the relevant portions of which are attached hereto as “Exhibit B”; and
- § 5. WHEREAS, the Oklahoma Housing Finance Agency’s Qualified Action Plan provides bonus points to applicants whose proposed projects are within a Qualified Census Tract and a Community Revitalization Plan; and
- § 6. WHEREAS, Qualified Census Tracts are areas where 50 percent of households have incomes below 60 percent of the Area Median Gross Income (AMGI), as determined by the federal government; and
- § 7. WHEREAS, to further the City’s goals and meet the needs contained in the Homebase Study and the 2020-2024 Consolidated Plan, the City of Norman has purchased property located on the NE Corner of Oakhurst Ave. and E Imhoff Rd. with the intent to create an affordable housing development providing 75 affordable units in the target AMI range identified; and

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

- § 8. THAT, the affordable housing action plans recommended by the 2020-2024 Consolidated Plan and the February 2022 Homebase Study are hereby adopted as the City’s Affordable Housing Community Revitalization Plan; and
- § 9. THAT, it is the official position of the City of Norman that affordable housing developments located in Qualified Census Tracts should be encouraged, including the proposed development on the NE Corner of Oakhurst Ave. and E Imhoff Rd., as such developments further the City’s goals contained in the Community Revitalization Plan; and
- § 10. THAT, the City should continue to develop and expand on its Affordable Housing Community Revitalization Plan to promote the availability of affordable housing throughout Norman, including areas that are not Qualified Census Tracts.

PASSED AND ADOPTED this _____ day of _____, 2023.

Mayor

ATTEST:

City Clerk



NEEDS ASSESSMENT

NA-05 OVERVIEW

Needs Assessment Overview

The Needs Assessment of the Consolidated Plan helps to provide a snapshot of the needs of the City of Norman in terms of Housing Needs, Disproportionate Greater Needs, Public Housing, Homeless Needs, Non-Homeless Special Needs, and Non-Housing Community Development Needs. The data is derived from a combination of HUD Comprehensive Housing Affordability Strategy (CHAS) statistics, City of Norman estimates and assessments, Consolidated Plan discussions, and community goals. The primary obstacle to meeting all of the identified needs, including those identified as high priorities is the general lack of funding resources available to the public and private agencies who serve low and moderate income residents. Norman, due to being an entitlement community, is not eligible for state CDBG or HOME programs. No state dollars are available for community development activities and the city's general fund is based upon sales tax revenues. This leaves little room for expansion of community development funding at the local level. Furthermore, the City of Norman's entitlement grants, specifically HOME funding, have been reduced over the last several years further limiting the funds available to address the needs in the community. Market Conditions have a significant impact on the City of Norman's priority housing needs.

NA-10 HOUSING NEEDS ASSESSMENT - 24 CFR 91.205 (A,B,C)

Summary of Housing Needs

The following numbers demonstrate the change in households from the 2010 Census and the most recent American Community Survey, as well as the complete Housing Needs Assessment. In addition, staff consults the yearly ACS data for CAPER and Action Plan submissions. Not only are data sets used, but provider input is crucial to the Consolidated Planning process. As noted below in the narrative section, Norman has a unique situation in that there are 31,000 students enrolled at the Norman location of the University of Oklahoma, and about two-thirds of them live off campus in rental housing.

The City of Norman's most significant housing needs include lower income renters and lower income homeowner populations. A significant portion of lower income rental households are experiencing a housing cost burden greater than 30% of income. Many lower income renters are also experiencing overcrowding, as well as living in substandard housing. A portion of lower income homebuyers are experiencing housing cost burden greater than 30% of income and some homebuyers between 50-80% AMI are also living in substandard housing. These needs are based upon the 2011-2015 CHAS data provided through the HUD consolidated plan templates as seen in the following tables.

Demographics	Base Year: 2009	Most Recent Year: 2015	% Change
Population	110,925	117,350	6%
Households	42,442	44,910	6%
Median Income	\$43,119.00	\$51,491.00	19%

Table 4 - Housing Needs Assessment Demographics

Data Source: 2005-2009 ACS (Base Year), 2011-2015 ACS (Most Recent Year)

Number of Households Table

	0-30% HAMFI	>30-50% HAMFI	>50-80% HAMFI	>80-100% HAMFI	>100% HAMFI
Total Households	6,735	4,965	7,515	4,635	21,065
Small Family Households	1,815	1,325	2,425	1,870	10,165
Large Family Households	300	135	465	305	1,730
Household contains at least one person 62-74 years of age	580	715	1,030	720	4,700
Household contains at least one person age 75 or older	419	610	945	430	1,435
Households with one or more children 6 years old or younger	925	654	1,094	739	2,525

Table 5 - Total Households Table

Data Source: 2011-2015 CHAS

Housing Needs Summary Tables

1. Housing Problems (Households with one of the listed needs)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Substandard Housing - Lacking complete plumbing or kitchen facilities	150	40	25	0	215	35	30	15	0	80
Severely Overcrowded - With >1.51 people per room (and complete kitchen and plumbing)	60	0	30	15	105	0	4	35	30	69

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
Overcrowded - With 1.01-1.5 people per room (and none of the above problems)	105	105	240	15	465	45	10	4	30	89
Housing cost burden greater than 50% of income (and none of the above problems)	3,745	1,440	115	50	5,350	835	345	165	4	1,349
Housing cost burden greater than 30% of income (and none of the above problems)	330	1,500	1,430	205	3,465	240	294	915	495	1,944
Zero/negative Income (and none of the above problems)	545	0	0	0	545	155	0	0	0	155

Table 6 – Housing Problems Table

Data Source: 2011-2015 CHAS

2. Housing Problems 2 (Households with one or more Severe Housing Problems: Lacks kitchen or complete plumbing, severe overcrowding, severe cost burden)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Having 1 or more of four housing problems	4,055	1,585	410	80	6,130	915	390	220	65	1,590
Having none of four housing problems	670	1,995	3,945	2,130	8,740	395	995	2,940	2,365	6,695
Household has negative income, but none of the other housing problems	545	0	0	0	545	155	0	0	0	155

Table 7 – Housing Problems 2

Data Source: 2011-2015 CHAS

3. Cost Burden > 30%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	1,235	820	365	2,420	285	215	355	855
Large Related	190	85	120	395	54	28	80	162
Elderly	260	320	200	780	485	330	310	1,125
Other	2,625	1,855	940	5,420	290	95	355	740
Total need by income	4,310	3,080	1,625	9,015	1,114	668	1,100	2,882

Table 8 – Cost Burden > 30%

Data Source: 2011-2015 CHAS

4. Cost Burden > 50%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	1,165	420	25	1,610	215	145	40	400
Large Related	160	20	0	180	50	4	0	54
Elderly	225	85	25	335	375	175	50	600
Other	2,420	935	80	3,435	205	40	75	320
Total need by income	3,970	1,460	130	5,560	845	364	165	1,374

Table 9 – Cost Burden > 50%

Data Source: 2011-2015 CHAS

5. Crowding (More than one person per room)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Single family households	115	105	230	19	469	15	14	4	60	93
Multiple, unrelated family households	0	0	40	10	50	30	0	35	0	65
Other, non-family households	65	0	0	0	65	0	0	0	0	0
Total need by income	180	105	270	29	584	45	14	39	60	158

Table 10 – Crowding Information – 1/2

Data Source: 2011-2015 CHAS

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
Households with Children Present	0	0	0	0	0	0	0	0

Table 11 – Crowding Information – 2/2

Data Source:
Comments:

Describe the number and type of single person households in need of housing assistance.

HUD CHAS data breaks households into 4 categories including small related (2-4 persons), large related (5 or more), elderly, and other. CHAS data places single person household into the "other" category. There are a total of 44,910 households in Norman with 19,215 households having an income of 80% or below MFI. Previous version of the CHAS provided data breaks for the total households under the Other category, which included single person households, not the 2011-2015 CHAS. The 2011-2015 CHAS does provide data pertaining to the Cost Burden of this category. The 2016 ACS 5-Year Estimate indicates that 29.7% of the 45,526 households in Norman live alone or 18,888 households. Given that Norman is the home of the University of Oklahoma this large percentage is not surprising. While it does not provide an actual total number of Other households, the 2011-2015 CHAS Data does provide analysis of the numbers of the Other category that are rent burdened. There are 5,420 Other Households that fall into the 30% Rent Burdened category and 3,435 Other Households that fall into the 50% Severely Rent Burdened Category. A total of 8,075 households at or below 100% MFI are 30% Rent Burdened with 5,420 being Other Households. This equates to 60% of the rent burdened households being from the Other category.

Estimate the number and type of families in need of housing assistance who are disabled or victims of domestic violence, dating violence, sexual assault and stalking.

The Women's Resource Center (WRC) is a non-profit organization serving families experiencing domestic violence. WRC responded to 1,751 Crisis Calls for Information and Referral in 2019 and 279 adults and 133 children received emergency shelter during this same time period. These totals resulted in 5,365 shelter days being provided. These numbers represent the number of families knowledgeable of Women's Resource Center's programs and chose to receive services. It is likely that many additional families experience domestic violence and are in need of housing.

What are the most common housing problems?

By far, the most common housing problem is Cost Burden.

Are any populations/household types more affected than others by these problems?

The renter households that are at or below 30% MFI are understandably the most affected.

Cost burden and extreme cost burden affect all household types in the lower income categories. In simple numerical terms, it would appear that “Other” households bear much of the brunt of severe cost burden, with over 66 percent of the total number of below 30% AMI rental households experiencing severe cost burden and 32 percent of owner households in the same income category are experiencing extreme cost burden. The data, however, does not provide a perspective in the percentage of households that comprise the “Other” household category. Much of the “Other” category is made up of single person households and census data indicate that about 30 percent of households in Norman are single person households. Generally speaking, it appears that all household types in both the renter and owner categories are hard hit by housing costs in the below 30% AMI income groups.

The Housing Rehabilitation Staff works with homeowners who are at 50% MFI or less with their Comprehensive Housing Rehabilitation Program and at 80% MFI or less with their Emergency Repair Program. The cost burden of both housing and much needed repairs makes it difficult for owners to make the repairs and for renters to get out of rental situation and into home ownership. There is not a particular sector of the population more affected than another, as the affordability issue covers the complete spectrum of housing, from rental to owner-occupied.

Describe the characteristics and needs of Low-income individuals and families with children (especially extremely low-income) who are currently housed but are at imminent risk of either residing in shelters or becoming unsheltered 91.205(c)/91.305(c)). Also discuss the needs of formerly homeless families and individuals who are receiving rapid re-housing assistance and are nearing the termination of that assistance

Cost burden and extreme cost burden affect all household types in the lower income categories. In simple numerical terms, it would appear that “Other” households bear much of the brunt of severe cost burden, with over 66 percent of the total number of below 30% AMI rental households experiencing severe cost burden and 32 percent of owner households in the same income category are experiencing extreme cost burden. The data, however, does not provide a perspective in the percentage of households that comprise the “Other” household category. Much of the “Other” category is made up of single person households and census data indicate that about 30 percent of households in Norman are single person households. Generally speaking, it appears that all household types in both the renter and owner categories are hard hit by housing costs in the below 30% AMI income groups.

The Housing Rehabilitation Staff works with homeowners who are at 80% MFI or less with their programs. The cost burden of both housing and much needed repairs makes it difficult for owners to make the repairs and for renters to get out of rental situation and into home ownership. There is not a particular sector of the population more affected than another, as the affordability issue covers the complete spectrum of housing, from rental to owner-occupied.

If a jurisdiction provides estimates of the at-risk population(s), it should also include a description of the operational definition of the at-risk group and the methodology used to generate the estimates:

Homeless service providers in Norman work together to assess, identify and plan for the needs of homeless individuals and families. They have combined their efforts to avoid unnecessary duplications of efforts and to close gaps in services. In addition, they have undertaken the task of educating the community about the causes and extent of homelessness as well as advocate for the homeless/at risk population to prevent homelessness.

Based on the geographies of the City of Norman, there are very few state permissible “green zones” that allow people with sex offender histories to be able to rent or own. Norman encompasses over 196 square miles. Yet, schools, parks, and day care facilities greatly limit the areas where sex offenders can live in accordance with the Oklahoma State Statute.²⁰ Stakeholders report that there are a very limited number of available apartments within the green zones that are eligible for people convicted of a sex offense to live. Within those zones, they face difficulty finding landlords willing to rent to them based on their past conviction.

“Norman has talked in the past about how they would love to have SROs. SROs in a green zone would be great.”

— Stakeholder

OTHER BARRIERS TO HOUSING

In addition to the lack of affordable units, many individuals also face barriers to housing because they do not have sufficient government issued identification or other documents to show eligibility, may have been evicted in the past, may have poor credit history, and/or lack the resources needed to cover move-in costs (security deposit, etc.).

For those individuals who continue to try to apply for affordable apartments, it usually involves paying a fee for every application form they complete even when they may be rejected because of past history. In some cases, when they apply, the rental company or landlord does not make an effort to reply to them, making it more challenging for them to afford any future opportunity that may come up. For many households experiencing homelessness, it is difficult to save for upfront first-time costs for housing. Without help from local providers, it is very challenging to transition from homelessness into housing and maintain stability long-term. This assistance is available through various providers; however, it is limited and has specific eligibility criteria. In addition, the focus groups demonstrated that some individuals experiencing unsheltered homelessness are not aware of all of the resources available, including how to obtain identification and assistance with application fees and even basic necessities and crisis management.

“Application fees are a huge barrier... people have no money - they can't afford to fill these out all the time.”

— Focus group participant

Some stakeholders shared that there are biases against people of color in terms of access to housing and services in Norman/Cleveland County. More than one individual experiencing homelessness reported having experienced discrimination when trying to access the system of care and in interactions with crisis response. One service provider indicated that they accompany their clients who are women of color when they apply for housing “to ensure fairness,” as they have seen a troubling trend of discrimination when they go without a service provider representative.²¹

²⁰ *Ibid.*

²¹ *The City of Norman has a contract with the Metropolitan Fair Housing Council of Oklahoma, Inc. to document fair housing activities under the City of Norman’s Community Development Block Grant (CDBG) contract. They report annually on any housing complaint intakes/inquiries processed and formal housing discrimination claims filed with HUD. In FY 2021, 44 housing complaint intake/inquiries were processed related to Norman tenancy under the CDBG-funded fair housing contract, and 7 formal housing discrimination claims were filed with HUD’s Office of Fair Housing & Equal Opportunity for violations covered under the Federal Fair Housing Act. Note that these figures are specific to CDBG-funded activities and that not all incidents of housing discrimination are formally reported.*

Some stakeholders who participated in the community engagement process noted that the CoC is very effective at housing people who are better able to navigate the system, less vulnerable, and have fewer barriers to housing than individuals with greater need and, in many cases, that are more vulnerable, facing severe mental or physical illness, and are unable to navigate the system on their own. However, there were also concerns expressed by some that the CoC had been overly focused on serving individuals with the highest vulnerability, leaving others who could be more easily and quickly housed and connected with services, like rapid rehousing, waiting longer than necessary for help. As discussed above, the existing data indicates that a significant number of the unsheltered population are currently chronically homeless and that a variety of interventions are being used to serve people experiencing chronic homelessness. However, due to data quality issues, the fact that no unsheltered January PIT count could be performed in 2021, and the ongoing impacts of the COVID-19 pandemic, additional analysis is required to better understand the current context in the region.

Coordinated Entry System data provides useful context, including the By-name-list (BNL), which tracks individuals/heads of household who are in the homeless system of care and who need housing. The BNL includes intake and assessment data, including prioritization criteria (i.e., a ranking score) that helps match individuals and families to the housing and services that best serve their needs and helps to determine the order of priority when resources become available. Keeping the BNL up to date and looking at it over time, can help the CoC and City Staff understand the need and any changes over time. See the table below of BNL data from January of each year from 2016 – 2020. One factor to note is that between 2019 and 2020, a data cleanup project removed inactive households from the list so some of the decrease seen in 2020 is the result of that data cleanup.

Table 3: Data from By-Name-List Data January 2016 – January 2020

	January 2016	January 2017	January 2018	January 2019	January 2020
Singles	43	84	97	154	64
Families	2	3	0	6	0
Non-chronic Veterans	10	5	4	5	4
Chronic Veterans	1	1	3	0	2

The City of Norman, in conjunction with other local organizations and businesses, has historically pulled together a regular event that brings a coalition together to help people obtain their birth certificates, state identification, and social security numbers/cards. Before the COVID-19 pandemic, these events were held every quarter so that individuals experiencing homelessness locally would only have to attend this one event to get the assistance needed to overcome some of the documentation barriers preventing individuals from receiving housing and benefits. Individuals who had benefited from these events were very grateful and highly praised the efficiency and benefit of this one-stop approach. Additionally, other individuals who were struggling to obtain these documents, especially during the pandemic, highlighted the importance of holding future events. Even with the one-stop opportunity on hold during COVID-19, there is an ability for people experiencing homelessness to receive documents through multiple agencies, though that can be challenging to access.

Stakeholder interviews and focus groups highlighted an increased need for housing-based case management, landlord engagement, and legal assistance to support reducing existing barriers to identifying and connecting households to affordable permanent housing and helping them to stabilize and maintain that housing.

Recommendations

AFFORDABLE HOUSING

- Commit to additional permanent supportive housing units. Consider a wide range of options, including rehabilitation or renovation of existing buildings and new construction as well as utilizing as many vouchers as possible for persons experiencing homelessness (to be used at the locations of their choice):
 - Establish a five-year Countywide Housing Development Pipeline that identifies an achievable path to establish new housing so that households with members who have disabilities can exit homelessness and attain stability.
 - Evaluate the feasibility and next steps for non-traditional housing options, such as repurposed motels and accessory dwelling units (ADUs).
 - Establish a shared housing program that can increase the housing available to single adults by using 2- and 3-bedroom homes for individuals exiting homelessness.
 - Support the addition of mainstream and HUD-VASH vouchers as available.
- Identify funding and partnership options that would increase the availability of permanent housing for single adults, including short- and medium-term rental assistance, PSH, and new development.
- Consider adopting policies that require set asides for all new development dedicating a certain proportion or number of units for extremely low-income households.
- Identify potential sites and provide land, aggressively expedite development and offer other incentives for PSH development.
- Widely advertise the eligibility criteria and necessary process for obtaining housing assistance
- Prioritize the development of single-room occupancy (SROs) buildings, which provide small furnished single rooms within multi-tenant buildings providing housing for residents with low or minimal income who may be transitioning out of long-term homelessness.

Recommendations

AFFORDABLE HOUSING (cont'd)

- Identify potential sites and provide land, aggressively expedite development and offer other incentives for PSH development.
- Widely advertise the eligibility criteria and necessary process for obtaining housing assistance.
- Prioritize the development of single-room occupancy (SROs) buildings, which provide small furnished single rooms within multi-tenant buildings providing housing for residents with low or minimal income who may be transitioning out of long-term homelessness.

“An SRO is a good alternative and people who are not accepting services would be more open to an SRO.”

— *Stakeholder*

LANDLORD ENGAGEMENT

- Invest in staffing to develop and lead a year-round landlord engagement campaign to educate the general public and recruit landlords.
- Develop a robust landlord engagement campaign, which can include targeted outreach to landlords, education and training, developing a speakers' bureau, annual luncheons, landlord and tenant awards, and other efforts such as:
 - Develop an outreach message and ensure it reaches landlords and property managers. Publicize the program in landlord and business association publications and at meetings and gatherings. Engage participating landlords in the program to tell their stories of success to their peers.
 - Create materials that help explain the advantages for the landlord and the steps the programs take to ensure the properties are respected, the clients are supported, and rent is paid. Utilize landlord testimonials whenever possible highlighting benefits such as the reliability of external support if issues arise and risk mitigation back-up for damages if they are to occur.
- Address barriers for individual tenants by creating a portfolio for the client by including letters of support from community members who know the client or by adding information about the client's background and the steps they have taken to improve their housing stability. Help with criminal record expungement, credit repair, and eviction expungement, if needed. Provide opportunities for potential tenants to meet landlords one-on-one to create personal connections.

Recommendations

LANDLORD ENGAGEMENT (cont'd)

- Establish a landlord risk mitigation fund that provides compensation if issues between landlord and tenant arise. Ensure landlords have a liaison they can call if they have concerns. When a client is not a good fit for a unit, programs should move quickly to prevent the need for an eviction proceeding.
- Consider creating financial incentives for landlords renting to voucher holders. The incentive program could include bonuses for new and/or returning landlords. Additionally, provide coverage for application fees and assistance with security deposits and move-in costs to help ensure vouchers are utilized and used equitably.
- Develop shared talking points to deepen landlord's awareness and understanding of how homeless-serving programs work, how supportive services are provided to program participants, and how the landlord mitigation fund is provided (see below).
- Create a bridge of support between landlords and clients to have a positive experience and continue building the relationship in the local program over time. Landlords often express gratitude about the ability to fill vacant units quickly without the cost of advertising and appreciate having the monthly rent guaranteed.
- Train and support providers to enable conversations with landlords to respond to their concerns and ensure that providers are taking important steps to cultivate ongoing relationships with landlords who are part of their programs.
- Ensure that each agency has a formalized practice protocol for being responsive to participating landlords, including providing timely assistance during a crisis as well as accepting and responding to their feedback.

HOUSING ASSISTANCE

- Designate a countywide housing navigator who can meet in-person with individuals and families experiencing homelessness. Provide outreach in the streets, at encampments, and at partner organizations, and train staff from other organizations to better provide housing navigation assistance.
- Conduct a countywide advertising campaign to highlight the availability of various types of rental assistance programs, including emergency and temporary rental assistance.

File Attachments for Item:

31. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-82: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, GIVING THE SECRETARY OF THE CLEVELAND COUNTY ELECTION BOARD NOTICE OF 2024 MUNICIPAL AND MUNICIPAL RUNOFF ELECTIONS.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: Brenda Hall, City Clerk

PRESENTER: Brenda Hall, City Clerk

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-82: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, GIVING THE SECRETARY OF THE CLEVELAND COUNTY ELECTION BOARD NOTICE OF 2024 MUNICIPAL AND MUNICIPAL RUNOFF ELECTIONS.

Resolution

R-2324-82

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, GIVING THE SECRETARY OF THE CLEVELAND COUNTY ELECTION BOARD NOTICE OF 2024 MUNICIPAL AND MUNICIPAL RUNOFF ELECTIONS.

- § 1. WHEREAS, Title 26 of the Oklahoma Statutes, §13-102, requires Notice of Election be filed with the Secretary of the Cleveland County Election Board by Resolution of the City Council no fewer than fifteen (15) days before the filing period begins; and
- § 2. WHEREAS, Article II, Section 5, of the Charter of the City of Norman requires that City Council adopt a resolution each year to designate a date for a non-partisan Municipal Election for the election of officers, such election will be held on Tuesday, February 13, 2024; and
- § 3. WHEREAS, a filing period shall be opened by the Cleveland County Election Board beginning at 8:00 a.m. on Monday, December 4, 2023, and ending at 5:00 p.m. on Wednesday, December 6, 2023; and
- § 4. WHEREAS, Article II, Section 6, of the Charter of the City of Norman requires that City Council adopt a resolution each year to designate a date for a non-partisan Municipal Runoff Election for the election of officers, such election will be held on April 2, 2024, subject to the provisions for the ipso facto election of an officer in the Municipal Election found in Article II, Section 17; and
- § 5. WHEREAS, said elections aforementioned in Sections 2 and 4 shall be held to elect Councilmembers filling Ward position numbers two (2), four (4), six (6) and eight (8), for terms of two (2) years; and
- § 6. WHEREAS, each candidate must be a registered voter of the City of Norman for six (6) months prior to the date of the Municipal election and in the case of Ward City Councilmembers, a candidate must reside in the ward from which they seek election on the date of filing.

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

- § 7. That notice be given of the 2024 Municipal and Municipal Runoff Elections by transmittal of this Resolution to the Secretary of the Cleveland County Election Board.

PASSED AND ADOPTED this 14th day of November, 2022.

ATTEST:

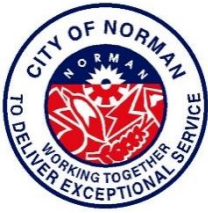
Mayor

City Clerk



File Attachments for Item:

32. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-86: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING THAT THE CITY COUNCIL, NORMAN MUNICIPAL AUTHORITY, NORMAN UTILITIES AUTHORITY AND NORMAN TAX INCREMENT FINANCE AUTHORITY MEETING SCHEDULED FOR DECEMBER 26, 2023, SHALL BE CANCELLED.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: City Council

PRESENTER: Brenda Hall, City Clerk

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-86: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING THAT THE CITY COUNCIL, NORMAN MUNICIPAL AUTHORITY, NORMAN UTILITIES AUTHORITY AND NORMAN TAX INCREMENT FINANCE AUTHORITY MEETING SCHEDULED FOR DECEMBER 26, 2023, SHALL BE CANCELLED.

Resolution

R-2324-86

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING THAT THE CITY COUNCIL, NORMAN MUNICIPAL AUTHORITY, NORMAN UTILITIES AUTHORITY AND NORMAN TAX INCREMENT FINANCE AUTHORITY MEETING SCHEDULED FOR DECEMBER 26, 2023, SHALL BE CANCELLED.

- § 1. WHEREAS, Section 2-104 of the Code of the City of Norman, Oklahoma, states "The City Council shall meet in regular session the second and fourth Tuesday of each month at 6:30 p.m. unless otherwise announced or delegated by the Council"; and
- § 2. WHEREAS, the City Council is hereby cancelling the meeting scheduled for December 26, 2023; and

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

- § 3. That the regular City Council meeting of December 26, 2023, shall be cancelled.

PASSED AND ADOPTED this 14th day of November, 2023.

Mayor

ATTEST:

City Clerk



File Attachments for Item:

33. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT: OF RECOMMENDATION FROM THE CITY ATTORNEY THAT THE CITY COUNCIL APPROVE A SETTLEMENT OF BRITTANY REID, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF MARCONIA LYNN KESSEE V. CLEVELAND COUNTY BOARD OF COUNTY COMMISSIONERS, ET AL, UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA COURT CASE CIV-2019-113, IN THE AMOUNT OF \$650,000.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/23

REQUESTER: Rickey Knighton II, Assistant City Attorney

PRESENTER: Rickey Knighton II, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT: OF RECOMMENDATION FROM THE CITY ATTORNEY THAT THE CITY COUNCIL APPROVE A SETTLEMENT OF BRITTANY REID, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF MARCONIA LYNN KESSEE V. CLEVELAND COUNTY BOARD OF COUNTY COMMISSIONERS, ET AL, UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA COURT CASE CIV-2019-113, IN THE AMOUNT OF \$650,000.

BACKGROUND:

This case was brought by Patricia Thompson, as personal representative of the estate of Marconia Lynn Kessee, on January 15, 2019 under the Fourth, Eighth, and Fourteenth Amendments of the Federal Constitution and tort claims under Oklahoma law involving an incident that occurred on January 18, 2018. It was removed to the United States District Court for the Western District of Oklahoma on February 5, 2019. On June 16, 2022, the Court appointed Brittany Reid, as successor personal representative of the estate. On October 30, 2023, Ms. Reid indicated that she would settle the case for \$650,000.

DISCUSSION:

Ms. Reid has stated her willingness to settle the case for \$650,000. Because this matter involves pending litigation, the merits of this case were discussed during executive session held on October 24, 2023. The settlement offer is within the range discussed with Council in Executive Session.

RECOMMENDATION:

It is believed that the proposed settlement is fair, reasonable and in the best interests of the City. It is recommended the settlement of this matter be approved by City Council and that this office be directed to reduce the settlement amount to judgment in accordance with 51 O.S. §159, and 62 O.S. §362. The settlement amount will then be placed on the property tax rolls for collection over the next three years. Under this process, one- third of the judgment amount plus interest at the statutory rate on the unpaid balance is collected through property tax roll assessments over

that time period. This statutorily allowed procedure for payment of judgments against a municipality will minimize the impact of the settlement on the City funds.

File Attachments for Item:

34. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF SPECIAL CLAIM SC-2324-1: GIVING SETTLEMENT AUTHORITY TO THE CITY MANAGER FOR A CLAIM SUBMITTED BY HOYT HALLFORD, JR., FOR REPAIR AND RENTAL CAR EXPENSES RELATING TO DAMAGES HIS CAR RECEIVED WHEN IT WAS STRUCK BY A POLICE DEPARTMENT VEHICLE ON OCTOBER 19, 2023, AT STATE HIGHWAY 9 AND JUANITA LANE.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: Kathryn Walker, Assistant City Attorney

PRESENTER: Anthony Purinton, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF SPECIAL CLAIM SC-2324-1: GIVING SETTLEMENT AUTHORITY TO THE CITY MANAGER FOR A CLAIM SUBMITTED BY HOYT HALLFORD, JR., FOR REPAIR AND RENTAL CAR EXPENSES RELATING TO DAMAGES HIS CAR RECEIVED WHEN IT WAS STRUCK BY A POLICE DEPARTMENT VEHICLE ON OCTOBER 19, 2023, AT STATE HIGHWAY 9 AND JUANITA LANE.

BACKGROUND:

A claim was filed by Hoyt Hallford, Jr. for vehicle damage and rental fees when his car was struck by a City Police Department vehicle on October 19, 2023, at State Highway 9 near Juanita Lane.

DISCUSSION:

Kevin Foster, Chief of Police, investigated this incident. On October 19, 2023, a City Police Department officer was stopped in his patrol vehicle facing westbound on the shoulder of State Highway 9, near Juanita Lane. The officer observed another driver commit a traffic violation while traveling the opposite direction but in order to pull the driver over, the officer had to turn his vehicle around. At the same time, Mr. Hoyt's vehicle was traveling westbound on Highway 9 and quickly approaching the officer's position when the officer activated his lights and pulled out to begin a U-turn. Consequently, the front of the officer's vehicle impacted the passenger's side of Mr. Hoyt's car. No injuries resulted from the accident however both vehicles were rendered undriveable.

Mr. Hoyt submits an estimate to repair damage to his 2017 Hyundai Sonata in the amount of \$9,701.11. Mr. Hoyt also requests payment for car rental fees he is incurring while his car is inoperable. Car rental fees are approximately \$30 per day and Mr. Hoyt expects to require a rental car for at least 30 days for a total expense of \$900. City staff research indicates the average value of Mr. Hoyt's vehicle is \$16,320, making repairs reasonable. Final damages amounts will not be available until the vehicle's repairs are completed.

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. Mr. Hoyt's claim appears compensable. Mr. Hoyt has indicated that he is willing to settle his claim for an amount equal to the cost to repair his vehicle and his rental car expenses.

RECOMMENDATION:

Based upon the above and foregoing, it is the recommendation of the City Attorney's office that City staff be given settlement authorization to settle the claim of Hoyt Halford, Jr., for an amount not to exceed \$16,320, or for the actual cost of repairs and rental car expenses, whichever is less. Funds are available in Miscellaneous Services-Special Claims (43122351-44718) to cover the claim.

CITY OF NORMAN
POST OFFICE BOX 370
NORMAN, OKLAHOMA 73070

NOTICE OF TORT CLAIM

CLAIMANT: Hoyt HALLFORD JR DATE: 10-26-2023

ADDRESS: 10650 E Post Oak Rd CITY Noble

STATE: OK ZIP: 73068 PHONE: (H) 405 401 7431 (W) —

DATE OF INCIDENT: 10-19-2023

LOCATION OF INCIDENT: Hyway 9

STATEMENT OF CIRCUMSTANCES / REASONS YOU BELIEVE CITY IS LIABLE:

officer started U TURN without checking
Traffic

(use additional pages if necessary)

MONETARY STATEMENT: List of expenses claimed for payment:

<u>see att.</u>	\$	_____	\$	_____
<u>RENTAL CAR</u>	\$	<u>Tbd</u>	\$	_____
_____	\$	_____	\$	_____

TOTAL AMOUNT CLAIMED: \$ _____

NAME AND ADDRESS OF INSURANCE COMPANY: _____

AGENT: _____

THIS FORM MUST BE SIGNED AND RETURNED WITH ALL REQUESTED INFORMATION IN ORDER TO BE PROCESSED.

I SWEAR AND/OR AFFIRM THE INFORMATION PROVIDED ABOVE IS TRUE AND CORRECT.

Hoyt Hallford Jr
CLAIMANT'S SIGNATURE

FILED IN THE OFFICE
OF THE CITY CLERK
ON 10/26/23-xw

Landers Collision of Norman
 1560 24th Avenue Southwest, Norman, OK 73072
 Phone: (405) 579-3070
 FAX: (405) 579-3048

Workfile ID: ff3
 PartsShare: 7CJZkz
 Federal ID: 32-0547721
 State ID: n/a
 Federal EPA: n/a
 State EPA: n/a

Item 34.

Preliminary Estimate

Customer: HALLFORD, HOYT

Job Number: 158180

Written By: Tony Beam

Insured: HALLFORD, HOYT	Policy #:	Claim #: 0
Type of Loss:	Date of Loss:	Days to Repair: 0
Point of Impact:		

Owner: HALLFORD, HOYT	Inspection Location: Landers Collision of Norman 1560 24th Avenue Southwest Norman, OK 73072 Repair Facility (405) 579-3070 Business	Insurance Company: CUSTOMER PAY
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VEHICLE

2017 HYUN Sonata Sport PZEV 4D SED 4-2.4L Gasoline Gasoline Direct Injection grey

State: OK	Interior Color:	Mileage In: 35,062	Vehicle Out:
	Exterior Color: grey	Mileage Out:	
	Production Date: 4/2017	Condition: Good	Job #: 158180

TRANSMISSION

Automatic Transmission

POWER

Power Steering
 Power Brakes
 Power Windows
 Power Locks
 Power Mirrors
 Heated Mirrors
 Power Driver Seat

DECOR

Dual Mirrors
 Tinted Glass
 Console/Storage
 Overhead Console

CONVENIENCE

Air Conditioning
 Intermittent Wipers
 Tilt Wheel
 Cruise Control
 Rear Defogger
 Keyless Entry
 Alarm
 Message Center
 Steering Wheel Touch Controls
 Telescopic Wheel
 Backup Camera

RADIO

AM Radio
 FM Radio

Stereo

Search/Seek
 CD Player
 Auxiliary Audio Connection
 Satellite Radio

SAFETY

Drivers Side Air Bag
 Passenger Air Bag
 Anti-Lock Brakes (4)
 4 Wheel Disc Brakes
 Front Side Impact Air Bags
 Head/Curtain Air Bags
 Communications System
 Hands Free Device

SEATS

Cloth Seats
 Bucket Seats

WHEELS

Aluminum/Alloy Wheels

PAINT

Clear Coat Paint

OTHER

Traction Control
 Stability Control
 Rear Spoiler
 Signal Integrated Mirrors
 Power Trunk/Liftgate

Get live updates at www.carwise.com/e/4D3txq

Preliminary Estimate

Item 34.

Customer: HALLFORD, HOYT

Job Number: 158180

2017 HYUN Sonata Sport PZEV 4D SED 4-2.4L Gasoline Gasoline Direct Injection grey

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1		ELECTRICAL					
2	Repl	TPMS sensor	52933C1100	1	165.16 m	Incl.	
3	**	Subl A/M Four wheel alignment		1	99.99		
4	#	Rpr Trip Charge				1.0	
5		WHEELS					
6	Repl	RT/Rear Wheel, alloy 17" 5-spoke	52910C2250	1	487.90 m	0.3	
7		PILLARS, ROCKER & FLOOR					
8	Repl	RT Rocker molding w/o sport pkg	87752C2000	1	660.93	0.9	1.8
9		Add for Clear Coat					0.7
10	Blnd	RT Center pillar				s	1.3
11		FRONT DOOR					
12	Blnd	RT Door shell w/o hybrid (HSS)					1.0
13	R&I	RT Belt molding				0.3	
14	R&I	RT Mirror assy w/o blind spot radar w/o turn lamp				0.3	
15	R&I	RT Handle, outside primed				0.4	
16	R&I	RT R&I trim panel				0.6	
17		REAR DOOR					
18	*	Repl LKQ RT door assy	77004C2000	1	285.00	4.8	3.0
19		Overlap Major Non-Adj. Panel					-0.2
20		Add for Clear Coat					0.6
21		RT Transfer door glass				0.7	
22	#	Rpr De-trim LKQ door				1.5	
23		BACK GLASS					
24	R&I	Back glass w/o diversity antenna Hyundai				Incl.	
25	**	Repl A/M Urethane kit		1	22.00		
26	**	Repl A/M Urethane kit		1	22.00		
27		QUARTER PANEL					
28	Repl	RT Quarter panel	71504C2C05	1	1,216.97	18.5	3.2
29		Overlap Major Adj. Panel					-0.4
30		Add for Clear Coat					0.6
31	Repl	RT Wheelhouse liner w/o chrome mldng	86822C2000	1	236.56	Incl.	
32	*	R&I RT Quarter glass NAGS				Incl.	
33	**	Repl A/M Urethane kit		1			
34	*	Rpr RT Inner qtr panel				s 6.0	1.4
35	**	Rpr A/M Setup time				2.0	
36	**	Rpr A/M Rough pull				2.0	
37		REAR LAMPS					
38	R&I	RT Tail lamp assy				Incl.	
39	R&I	LT Tail lamp assy				0.4	
40		REAR BUMPER					

Preliminary Estimate

Item 34.

Customer: HALLFORD, HOYT

Job Number: 158180

2017 HYUN Sonata Sport PZEV 4D SED 4-2.4L Gasoline Gasoline Direct Injection grey

41		O/H rear bumper					2.5	
42	** <>	Repl A/M CAPA Bumper cover w/reverse sensors	86610C2000	1	452.00	Incl.		3.0
43		Overlap Major Non-Adj. Panel						-0.2
44		Add for Clear Coat						0.6
45		Add for reverse sens					0.4	
46		Deduct for Rear Bumper R&I					-1.7	
47		Repl RT Side bracket	86614C2000	1	57.58		0.1	
48	**	Rpr A/M Rope glass					0.5	
49	#	Repl Cover Car		1	5.00			
50	#	Repl Corrosion protection		1	3.00			
51	#	Repl Flex additive		1	7.50			
52	#	Hazardous Waste		1	3.00			
53	#	Repl Pre Scan		1	119.95		0.5 M	
54	#	Repl Post Scan		1	50.00		0.5 M	
55		OTHER CHARGES						
56	#	Towing		1	207.70			
SUBTOTALS					4,102.24		42.5	16.4

ESTIMATE TOTALS

Category	Basis	Rate	Cost \$
Parts			3,894.54
Body Labor	41.5 hrs @	\$ 70.00 /hr	2,905.00
Paint Labor	16.4 hrs @	\$ 70.00 /hr	1,148.00
Mechanical Labor	1.0 hrs @	\$ 135.00 /hr	135.00
Paint Supplies	16.4 hrs @	\$ 60.00 /hr	984.00
Other Charges			207.70
Subtotal			9,274.24
Sales Tax	\$ 4,878.54 @	8.7500 %	426.87
Grand Total			9,701.11

Warning - State Law. Use of contents for commercial solicitation is unlawful.

Pg 4 Item 34. Revised [X] Ffatality [X] Hit and Run [X]

DO NOT WRITE IN THIS SPACE

OFFICIAL OKLAHOMA TRAFFIC COLLISION REPORT

Incident Report Investigation Completed Investigation Made at Scene Photographs

Main form containing fields for reporting agency (NORMAN POLICE DEPARTMENT), date of collision (10/19/2023), location (CLEVELAND, NORMAN), driver information (FLORES BLAS), and vehicle details (2015 FORD EXPL).

Investigating Officer section: FRANKS, Badge Number 106184, Reviewer ST, Reviewer Badge Number 124614, Date of Report 10/19/2023.

Summary table with columns: Unit Type, Injury Severity, Type of Injury, Driver/Pedestrian Condition, Occupant Protection (OP) In Use, Air Bag Deployed, Ejected, Extricated, Chemical Test, Extent of Damage, Insurance Verification, Oversized Load, Towed Vehicle Type.

(24) Unit Injured Witness Passenger Prop. Owner Pos in Veh. Last Name First Middle Suffix DOB(mm/dd/yyyy) Sex

(25) Address City State Zip Telephone (Use Area Code)
 Same as Driver

(26) Injury Severity / Type OP Use Air Bag Ejected Extricated Transported by To Medical Facility Property Type

(27) Unit Injured Witness Passenger Prop. Owner Pos in Veh. Last Name First Middle Suffix DOB(mm/dd/yyyy) Sex

(28) Address City State Zip Telephone (Use Area Code)
 Same as Driver

(29) Injury Severity / Type OP Use Air Bag Ejected Extricated Transported by To Medical Facility Property Type

(30) Unit Injured Witness Passenger Prop. Owner Pos in Veh. Last Name First Middle Suffix DOB(mm/dd/yyyy) Sex

(31) Address City State Zip Telephone (Use Area Code)
 Same as Driver

(32) Injury Severity / Type OP Use Air Bag Ejected Extricated Transported by To Medical Facility Property Type

(33) Unit Injured Witness Passenger Prop. Owner Pos in Veh. Last Name First Middle Suffix DOB(mm/dd/yyyy) Sex

(34) Address City State Zip Telephone (Use Area Code)
 Same as Driver

(35) Injury Severity / Type OP Use Air Bag Ejected Extricated Transported by To Medical Facility Property Type

Complete information below if this vehicle is being used for COMMERCE/BUSINESS and has a GVWR/GCWR IN EXCESS OF 10,000 LBS., or has a HAZMAT PLACARD, or is a BUS WITH SEATING FOR NINE OR MORE INCLUDING THE DRIVER

(36) Unit Carrier Name Address

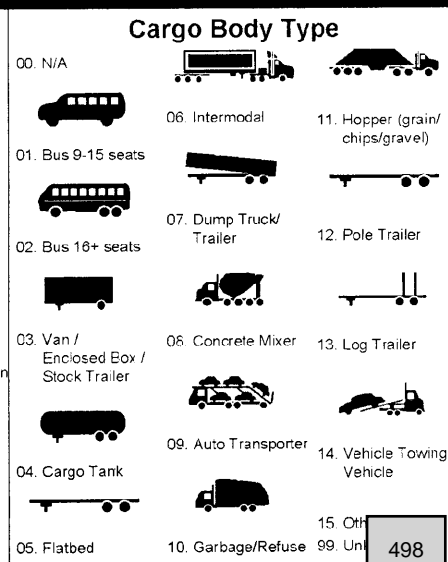
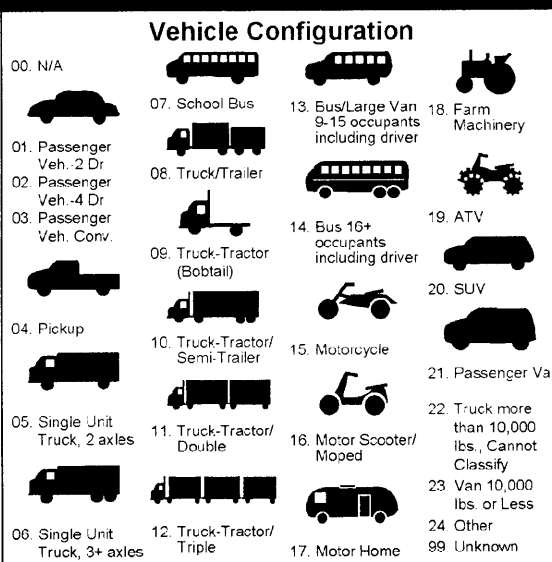
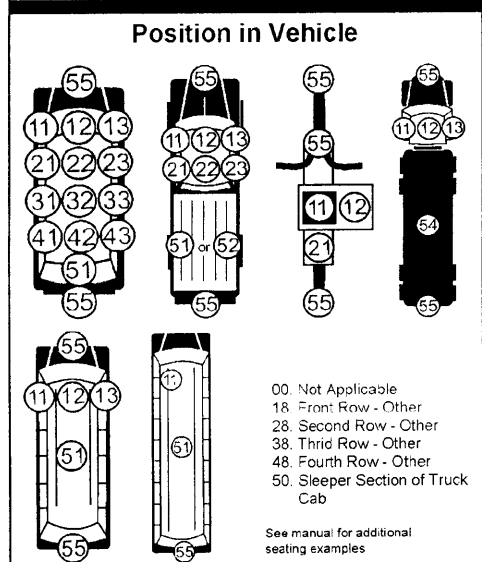
(37) City State Zip GVWR 0 - 10K lbs. Axle Qty. Cargo Body Vehicle Use
 GCWR 10,001 - 26K lbs. 26K+ lbs. Interstate Commerce
 Intrastate Commerce

(38) U.S. DOT Number NASI Report Number Placard Number Haz. Mat. Class Haz. Mat. Involved Haz. Mat. Release
 Other Non-Commercial
 Government

(39) Unit Carrier Name Address

(40) City State Zip GVWR 0 - 10K lbs. Axle Qty. Cargo Body Vehicle Use
 GCWR 10,001 - 26K lbs. 26K+ lbs. Interstate Commerce
 Intrastate Commerce

(41) U.S. DOT Number NASI Report Number Placard Number Haz. Mat. Class Haz. Mat. Involved Haz. Mat. Release
 Other Non-Commercial
 Government



Unit	Total Lanes in Roadway	Legal Speed	Pedestrian / Pedalcyclist Only			
			Actions Prior to Collision	Location at Time of Collision	Safety Equip	Unit Number of Vehicle Striking
01	05	55				
02	05	55				

Was the collision in or near a construction, maintenance or utility work zone? (If yes, complete this section) Yes No

Light 2

1 Daylight
2 Dark-Not Lighted
3 Dark-Lighted
4 Dawn
5 Dusk
6 Dark-Unknown Lighting
7 Other
9 Unknown

Weather 01

01 Clear
02 Fog/Smog/Smoke
03 Cloudy
04 Rain
05 Snow
06 Sleet/Hail (Freezing Rain/Drizzle)
07 Severe Crosswind
08 Blowing Snow
09 Blowing Sand, Soil, Dirt
10 Other
99 Unknown

Locality 5

1 Residential
2 Business
3 Industrial
4 School
5 Not Built-up
6 Mixed Use
7 Other
9 Unknown

Type of Intersection 0

0 Not an Intersection
2 Y-Intersection
3 T-Intersection
4 Four-Way Intersection
5 Five-Point or More Intersection as Part of Interchange
7 Traffic Circle
8 Roundabout
9 Unknown

Incident Type 00

00 Not an Incident
51 Private Property
52 Deliberate Intent
53 Medical Condition
54 Legal Intervention
55 Suicide
57 Drowning
58 Other

Location of First Harmful Event 01

01 On Roadway
02 Shoulder
03 Median
04 Roadside
05 Gore
06 Separator
07 Parking Lane/Zone
08 Off Roadway, Location Unknown
09 Outside Right-of-Way
10 Other
99 Unknown

Driver Distracted by Unit 1: 0, Unit 2: 0

0 Not Applicable/None
1 Electronic Communication Devices
2 Other Electronic Device
3 Other Inside Vehicle
4 Other Outside Vehicle
9 Unknown

What Vehicle Was Going to Do Unit 1: 04, Unit 2: 01

00 Not Applicable
01 Go Ahead
02 Turn Left
03 Turn Right
04 Make "U" Turn
05 Stop
06 Slow for Cause
07 Start from Park/Stop
08 Change Lanes
09 Overtake
10 Pass
11 Back
12 Remain Stopped
13 Remain Parked
14 Enter/Merge in Traffic
15 Negotiate a Curve
16 Park
17 Other
99 Unknown

Underdrive/Override Unit 1: , Unit 2:

0 Not Applicable
1 No Underdrive or Override
2 Underdrive, Compartment Intrusion
3 Underdrive, No Compartment Intrusion
4 Underdrive, Compartment Intrusion Unknown
5 Override, Motor Vehicle in Transport
6 Override, Other Motor Vehicle
9 Unknown

Traffic Control Unit 1: 00, Unit 2: 00

00 No Control
01 Stop Sign
02 Traffic Signal
03 Flashing Traffic Signal
04 School Zone Signs
05 Yield Sign
06 Warning Sign
07 Railroad Advance Warning Sign
08 Railroad Cross Bucks
09 Railroad Gates
10 Railroad Signal
11 No Passing Zone
12 Person (including flagger, law enforcement, crossing guard, etc.)
13 Abnormal Control
14 Other
99 Unknown

Road Surface Conditions Unit 1: 01, Unit 2: 01

01 Dry
02 Wet
03 Ice/Frost
04 Snow
05 Mud, Dirt, Gravel
06 Slush
07 Water (standing, moving)
08 Sand
09 Oil
10 Other
99 Unknown

Road Character Unit 1: 1, Unit 2: 1

1 Level
2 Hillcrest
3 Uphill
4 Downhill
5 Sag (bottom)

Road Alignment Unit 1: 1, Unit 2: 1

1 Straight
2 Curve - Left
3 Curve - Right

Road Surface Type Unit 1: 2, Unit 2: 2

1 Concrete
2 Asphalt
3 Gravel
4 Dirt
5 Brick
6 Other
9 Unknown

Type of Work Zone

1 Lane Closure
2 Lane Shift/Crossover
3 Work on Shoulder or Median
4 Intermittent or Moving Work
9 Unknown

Location of the Work Zone Collision

1 Before the First Work Zone Warning Sign
2 Advance Warning Area
3 Transition Area
4 Activity Area
5 Termination Area
9 Unknown

Workers Present Yes No Unknown

Trafficway Unit 1: 2, Unit 2: 3

0 Not Applicable
1 One Way
2 Two-Way - Not Divided
3 Two-Way - Divided
4 Two-Way - Divided - Positive Median Barrier
5 Turn Lane
6 Ramp / Loop
7 Driveway
8 Alley / Parking Lot
9 Unknown

Vehicle Removal Unit 1: 1, Unit 2: 1

0 Not Applicable
1 Towed Due to Vehicle Damage
2 Towed For Reasons Other Than Damage
3 Remained at Scene
4 Driven from Scene
9 Unknown

Vehicle Condition Unit 1: 01, Unit 2: 01

00 Not Applicable
01 Apparently Normal
02 Brakes
03 Headlights
04 Steering
05 Tail Lights
06 Brake Lights
07 Tires/Wheels
08 Suspension
09 Signal lights
10 Windows
11 Truck Coupling/Trailer Hitch/Safety Chains
12 Mirrors
13 Wipers
14 Power Train
15 Other
99 Unknown

Special Function of Vehicle Unit 1: 08, Unit 2: 00

00 Not Applicable
01 School Bus
02 Transit Bus
03 Intercity Bus
04 Charter Bus
05 Other Bus
06 Military
07 OHP
08 Other Police
09 Other Law Enforcement
10 Ambulance
11 Fire Truck
12 Public Owned Vehicle
13 Highway Equipment
14 Special Mobilized Machine
15 Other
99 Unknown

Emergency Vehicle Responding to an Emergency Unit 1: 1, Unit 2: 0

0 N/A
1 Yes
2 No
9 Unknown

Unsafe / Unlawful Contributing Factors Unit 1: 34, Unit 2: 98

FAILED TO YIELD
01 From Stop Sign
02 From Yield Sign
03 Private Drive
04 County Road at Through Highway
05 From Signal Light
06 From Alley
07 To Pedestrian
08 To Vehicle on Right
09 To Vehicle in Intersection
10 To Emergency Vehicles

FOLLOWED TOO CLOSELY
13 Human Element
14 Traffic Condition
15 Weather Condition
UNSAFE SPEED
16 Driver's Ability (Aged)
17 Inexperienced Driver - Young
18 Exceeding Legal Limit
19 For Traffic Conditions
20 For Type of Roadway (Gravel, Dirt, etc.)
21 For Ice or Snow on Roadway
22 Rain or Wet Roadway
23 Wind
24 Other Weather Conditions
25 Vehicle Condition
26 View Obstruction
27 On Curve/Turn
28 Impeding Traffic
29 Other
IMPROPER TURN
30 From Wrong Lane
31 From Direct Course
32 Right
33 Left
34 Turn About/U-Turn
35 To Enter Private Drive
36 In Front of Oncoming Traffic
37 Other
38 **CHANGED LANES UNSAFELY**
39 **STOPPED IN TRAFFIC LANE FAILED TO STOP**
40 For Stop Sign
41 For Traffic Signal
42 For School Bus
43 For Railroad Gates/Signal
44 For Officer/Flagman
45 At Sidewalk/Stopline
46 Other
UNSAFE VEHICLE
47 Brakes
48 Steering

49 Tires
50 Suspension
51 Headlights
52 Tail Lights
53 Stop Lights
54 Wheel
55 Exhaust System
56 Windshield Wipers
57 Other Mechanical Defects
LEFT OF CENTER
58 In Meeting
59 No Passing Zone (Unmarked)
60 Marked Zone
61 Other
IMPROPER OVERTAKING
62 In Marked Zone
63 On Hill/Curve
64 At Intersection
65 Without Sufficient Clearance
66 Other
IMPROPER PARKING
67 On Roadway
68 Where Prohibited
69 Other
INATTENTION
70 Distracted by Passenger in Vehicle
71 Other Distraction Inside Vehicle
72 Distraction From Outside Vehicle
73 Other
WRONG WAY
74 On One Way
75 On Exit Ramp
76 On Entrance Ramp
77 Other
IMPROPER START FROM
78 Parked Position
79 Other
80 **ALCOHOL-DUI/DWI**
81 **DRUG-DUI**
OTHER IMPROPER ACT/ MOVEMENT
82 Failed to Signal
83 Disregarded Warning Signal
84 Improper Use of Lane
85 Improper Backing
86 Apparently Sleepy
87 Failed to Secure Load
88 Other/Unknown
UNKN/NO IMPROPER ACT
89 Deer in Roadway
90 Animal in Roadway
91 Domestic Animal in Rdwy
92 Avoiding Other Vehicle
93 Avoiding Pedestrian
94 Object/Debris in Roadway
95 Defect in Roadway
96 Abnormal Traffic Control
97 Improper Bicyclist Action
NO IMPROPER ACTION BY DRIVER
99 **PEDESTRIAN ACTION**

Point of First Contact on Vehicle Unit 1: 01, Unit 2: 05

Most Damaged Area Unit 1: 01, Unit 2: 05

00 Not Applicable
13 Top
14 Undercarriage
99 Unknown

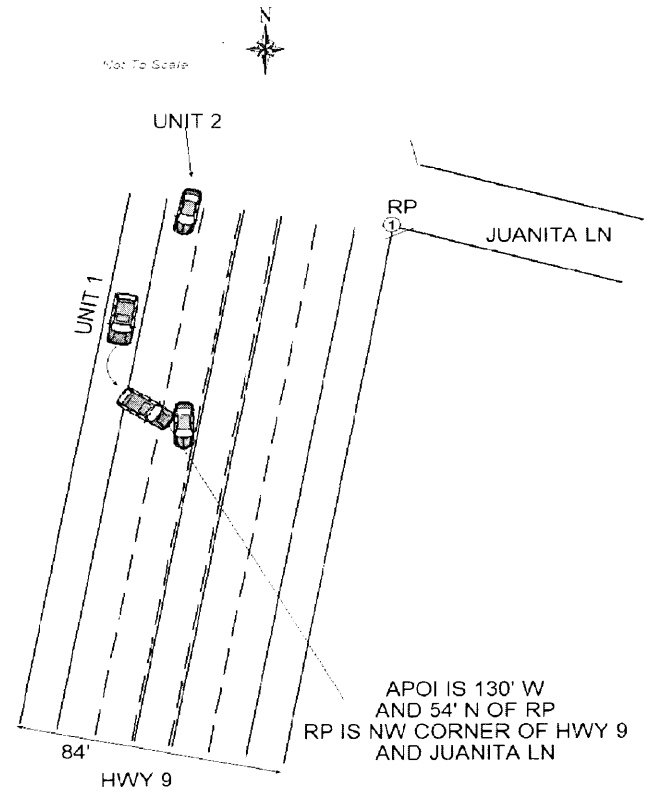
Latitude

Longitude N

Railroad Crossing Number W

Roadway Orientation Unit Number 01 NE SW W

Unit Number 02 NE SW W



COLLISION EVENTS

Unit	First Event	Second Event	Third Event	Fourth Event	Most Harmful Event	First Harmful Event for the Entire Collision
01	34	00	00	00	34	34
Unit	First Event	Second Event	Third Event	Fourth Event	Most Harmful Event	
02	34	00	00	00	34	

<ul style="list-style-type: none"> 00 Not Applicable 10 Overtum/Rollover 11 Fire/Explosion 12 Immersion 13 Jackknife 14 Cargo/Equipment Loss or Shift 15 Equipment Failure (Blown Tire, Brake Failure, etc.) 16 Separation of Units 17 Departed Road Right 18 Departed Road Left 19 Cross Median/Centerline 20 Downhill Runaway 	<ul style="list-style-type: none"> 21 Fell/Jumped From Motor Vehicle 22 Thrown Or Falling Object 23 Other Non-Collision PERSON, MOTOR VEHICLE, OR NON-FIXED OBJECT: 30 Pedestrian 31 Pedal Cycle 32 Railway Vehicle (train, engine) 33 Animal 34 Motor Vehicle in Transport 35 Parked Motor Vehicle 36 Struck by Falling, Shifting Cargo or Anything Set in Motion by Motor Vehicle
---	---

- 37 Work Zone/Maintenance Equipment
- 38 Other Non-Fixed Object
- FIXED OBJECT:**
- 40 Barrier (Cable)
- 41 Barrier (Concrete)
- 42 Barrier (Other)
- 43 Fence Pole
- 44 Fence
- 45 Traffic Signal Support
- 46 Traffic Sign Support
- 47 Utility Pole/Light Support
- 48 Other Post/Pole/Support
- 49 Guardrail/Guardrail Face
- 50 Guardrail End
- 51 Culvert
- 52 Curb
- 53 Island
- 54 Sand Barrels
- 55 Impact Attenuator/ Crash Cushion
- 56 Pavement Drop-Off
- 57 Ditch
- 58 Embankment
- 59 Tree (Standing)
- 60 Dividing Strip
- 61 Retaining Wall
- 62 Bridge Abutment
- 63 Bridge Pier or Support
- 64 Bridge Rail
- 65 Bridge Post
- 66 Bridge Curb
- 67 Bridge Super Structure (Beams)
- 68 Bridge Overhead Structure
- 69 Delineator
- 70 Mailbox
- 71 Other Fixed Object
- 72 Other Highway Structure
- 73 Ground
- 99 Unknown

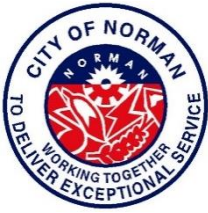
Remarks

UNIT 1 WAS STOPPED ON THE SHOULDER OF HWY 9 FACING WESTBOUND AS A MARKED POLICE UNIT WAITING FOR TRAFFIC OFFENDERS. UNIT 1 WAS PARKED WITH PARKING LAMPS ON. UNIT 2 WAS WESTBOUND ON HWY 9. UNIT 1 OBSERVED A SPEEDER PASS BY HIM SO HE PULLED OUT ONTO HWY 9 TO CONDUCT A U-TURN. AS UNIT 1 ENTERED THE INSIDE LANE. UNIT 2 SWERVED LEFT HOWEVER THE VEHICLES COLLIDED. THE FRONT BUMPER/FRONT PASSENGER CORNER OF UNIT 1 COLLIDED WITH THE REAR PASSENGER QUARTER PANEL OF UNIT 2. UNIT 1 HAD ACTIVATED HIS HEADLIGHTS AND OVERHEAD LIGHTS JUST PRIOR TO THE COLLISION.

BOTH UNITS WERE MOVED PRIOR TO MY ARRIVAL. NO ONE WAS INJURED. BOTH VEHICLES REQUIRED WRECKERS DUE TO SUSTAINED DAMAGE. A CITY OF NORMAN WRECKER TOWED UNIT 1. UNIT 2 WAS TOWED BY AMERICAN WRECKER.

File Attachments for Item:

35. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF SPECIAL CLAIM SC-2324-2: SUBMITTED BY GERMAN VALENCIANO, IN THE TOTAL AMOUNT OF \$16,021.44, FOR EXPENSES INCURRED WHEN HIS CAR WAS STRUCK BY A CITY TRAFFIC CONTROL DIVISION VEHICLE ON OCTOBER 4, 2023, AT 1720 WEST LINDSEY STREET.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: Kathryn Walker, Assistant City Attorney

PRESENTER: AshLynn Wilkerson, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF SPECIAL CLAIM SC-2324-2: SUBMITTED BY GERMAN VALENCIANO, IN THE TOTAL AMOUNT OF \$16,021.44, FOR EXPENSES INCURRED WHEN HIS CAR WAS STRUCK BY A CITY TRAFFIC CONTROL DIVISION VEHICLE ON OCTOBER 4, 2023, AT 1720 WEST LINDSEY STREET.

BACKGROUND:

A claim was filed by German Valenciano, in the total amount of \$16,021.44 for expenses incurred when his vehicle was struck by a City Traffic Control Division vehicle on October 4, 2023, at 1720 West Lindsey Street.

DISCUSSION:

This incident was investigated by David Riesland, Transportation Engineer. On October 4, 2023, a City Traffic Control Division employee was on break and parked at McDonald's restaurant at 1720 West Lindsey Street. Once his break was over, the employee entered his City issued vehicle and began backing out of his parking spot. The employee didn't realize the Claimant was driving through the lot and was right behind him until he impacted Claimant's vehicle. Both vehicles sustained damage but nobody was injured in the incident.

Claimant submitted two (2) estimates to repair damage to his 2014 Audi sedan with the lowest estimate being \$15,814.44. Legal staff researched value of this vehicle and found it to be very close to the amount of the lowest estimate, making payment of repair costs feasible. Claimant also submitted a tow invoice in the amount of \$207 for a total claim of \$16,021.44.

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. Mr. Valenciano's claim, in the total amount of \$16,021.44, appears reasonable.

RECOMMENDATION:

Based upon the above and foregoing, it is the recommendation of the City Attorney's office that the claim of German Valenciano, in the total amount of \$16,021.44 as set forth above, be approved. Funds are available in Miscellaneous Services-Special Claims (43122351-44718) to cover the claim.

CITY OF NORMAN
POST OFFICE BOX 370
NORMAN, OKLAHOMA 73070

NOTICE OF TORT CLAIM

CLAIMANT: Isac Valenciano DATE: 10/18/2023

ADDRESS: 2652 SW 46th St CITY Oklahoma City

STATE: OK ZIP: 73119 PHONE: (H) (405)-401-5802 (W) _____

EMAIL ADDRESS: Isac22val@gmail.com

DATE OF INCIDENT: 10/4/2023

LOCATION OF INCIDENT: Mcdonald's Parking - 1720 W Lindsey St Norman, Oklahoma

STATEMENT OF CIRCUMSTANCES / REASONS YOU BELIEVE CITY IS LIABLE:

While we were making our way through the parking lot of the Mcdonalds, Norman City vehicle with tag (17759) reversed into the front passenger side of my car. Tow hitch on the Norman City vehicle damaged distance sensors and shifted parts into the wheel well requiring the car to be towed from the site. Driver of the truck immediately stated that the incident was his fault and that he took full responsibility for the damages.

(use additional pages if necessary)

MONETARY STATEMENT: List of expenses claimed for payment:

Tow expenses \$ 207.00 \$ _____

Estimate 1 \$ 16,310.32 \$ _____

Estimate 2 \$ 15,814.44 \$ _____


TOTAL AMOUNT CLAIMED: \$ 16,021.44

NAME AND ADDRESS OF INSURANCE COMPANY: No insurance was involved with this claim

AGENT: _____

THIS FORM MUST BE SIGNED AND RETURNED WITH ALL REQUESTED INFORMATION IN ORDER TO BE PROCESSED.

I SWEAR AND/OR AFFIRM THE INFORMATION PROVIDED ABOVE IS TRUE AND CORRECT.


CLAIMANT'S SIGNATURE

**-ILED IN THE OFFICE
OF THE CITY CLERK
ON 10/23/23**



Express Auto Paint Customs
 1522 S. Robinson Ave.
 Oklahoma City, OK 73109
 Business Phone: (405) 905-0077
 nannis59@yahoo.com

Estimate

Est # 170
 ID # 13807696

Vehicle Info

2014 Audi -A8 L Quattro
 N005017
 Body Type: 4 Door Sedan
 Engine: 4.0L 8 Cyl Gas Injected
 Turbocharged
 Transmission: 8 Speed Auto Trans
 Drive Type: AWD

Owner

José Valenciano
 (405) 401-5802
 L

Insurance Company

Inspection Date: 10/17/2023

Shop Info

Estimators Phone: (925) 917-0154

Oper	Description	Part Number	Price	Labor
INFORMATION LABELS				
1	Other	AIM DISTANCE SENSOR Final Charge per invoice		3 hrs. Mechanical
FRONT BUMPER				
2	Replace	FRT BUMPER COVER 4H0 807 065 E GRU 1.4 hrs. Clearcoat Includes R&I/R&R Grille & Front Fender Liners	\$1,573.33	Included 3.6 hrs. Paint panel 1.4 hrs. Refinish
3	R&R	ADD TO R&R OR O/H FRONT BUMPER COVER ASSY W/PARKING AID SENSORS (FRT ADD W/PARKI		0.7 hrs. Body
4	Overhaul	O/H FRONT BUMPER COVER ASSY (INCLUDES R&I) (FRT BUMPER COVER ASSY)		4.6 hrs. Body
5	Replace	FRT LWR BUMPER SPOILER 4H0 807 110	\$213.33	Included
6	Replace	FRT BUMPER AIR DEFLECTOR 4H0 807 611	\$371.67	Included
7	Replace	R FRT BUMPER GRILLE ORDER FROM DEALER	\$380.00	Included
8	Replace	R FRT BUMPER GUIDE 4H0 807 284 w/Front Bumper Cover Assy Removed	\$50.00	Included
9	Replace	FRT BUMPER IMPACT ABSORBER 4H0 807 694 C w/Front Bumper Cover Assy Removed		
10	Replace	FRT LWR BUMPER COVER 4H0 807 217 A 01C	\$65.00	Included
11	Replace	R FRT BUMPER BRACKET 4H0 807 140	\$18.00	
12	Replace	FRT PARKING SENSOR HARNESS 4H0 971 095 AF w/Front Bumper Cover Assy Removed, Not Included in O/H	\$386.15	
13	Replace	R FRT CRUISE CONTROL ADAPTIVE SENSOR -M 4H0 907 561 B w/Front Bumper Cover Assy Removed, Not Included in O/H, Does Not Include Aim and Calibrate Adaptive Cruise Control System	\$4,711.43	0.3 hrs. Mechanical
FRONT LAMPS				
14	Replace	R FRT COMBINATION LAMP ASSEMBLY 4H0 941 030 AF	\$2,723.33	0.8 hrs. Body
15	Check/Adjust	AIM LAMPS (HEADLAMPS)		0.4 hrs. Body
16	R&I	RIGHT R&I COMBINATION LAMP ASSY (R FRONT COMBINATION LAMP)		0.4 hrs. Body
17	Replace	R H/LAMP WASHER PRESSURE CYLINDER 4H0 955 102 D	\$195.00	Included

Customer: José Valenciano

Estimate #: 170

		R&R One Side Complete, w/Front Bumper Cover Removed, Included in R&R or O/H Front Bumper Cover Assy			
18	Replace	H/LAMP WASHER HOSE	4H0 955 970 D	\$118.33	
FRONT FENDER					
19	Replace	R FRT OTR FENDER PANEL EXTENSION	4H0 807 544	\$45.00	0.2 hrs. Body
		R&R One Side Complete			
20	Replace	R FENDER PANEL	4H0 821 106 B	\$1,136.67	2.2 hrs. Body 2 hrs. Paint panel 0.8 hrs. Refinish
		0.8 hrs. Clearcoat			
		w/Front Bumper Cover Assy, Combination Lamp Assy & Rocker Cover Removed, Includes R&R Rear Fender Liner, Right Side Includes R&I/R&R Washer Reservoir			
21	Replace	R FENDER FRONT LINER	4H0 821 172 L	\$230.00	0.3 hrs. Body
FRONT DOOR					
22	Refinish	R FRT DOOR SHELL			2.2 hrs. Paint panel 0.9 hrs. Refinish
		0.9 hrs. Clearcoat			
SIDE BODY					
23	R&I	RIGHT R&I ROCKER COVER (R ROCKER COVER)			0.6 hrs. Body
OTHER					
24	Other	PRE / POST REPAIR SCAN			1.5 hrs. Mechanical
25	Replace	COVER CAR FOR OVERSPRAY		\$5.00	0.3 hrs. Body
26	Refinish	COLOR SAND & BUFF per panel			1.5 hrs. Other

Totals

Type	Labor Time	Cost	Total	Taxable
Body Labor	10.5	\$72.00	\$756.00	
Mechanical Labor	4.8	\$140.00	\$672.00	
Other Labor	1.5	\$48.00	\$72.00	
Paint Labor	10.9	\$72.00	\$784.80	
Paint Supplies	10.9	\$28.00	\$305.20	
OEM Parts			\$12,217.24	✓
Other Parts			\$5.00	✓
Taxable Amount			\$12,527.44	
Tax	8%		\$1,002.20	
Nontaxable Amount			\$2,284.80	
Grand Total			\$15,814.44	



Lamb Towing & Recovery Norman

1221 W Rock Creek Rd, Norman OK 73069
Phone: (405) 329-5262 | Fax: (405) 382-3298

Item 35.

Receipt
Invoice #23-44946

Driver Jace Johnson
Truck 78 RB
Date/Time Requested 10/4/2023 @ 9:56 AM
Date/Time Dispatched 10/4/2023 @ 9:57 AM
Date/Time Enroute: 10/4/2023 @ 9:57 AM
Date/Time Arrival: 10/4/2023 @ 10:20 AM
Date/Time Departure 10/4/2023 @ 10:41 AM
Date/Time Completed 10/4/2023 @ 10:58 AM
Contact Isaac, (405) 401-5802

Authorized by Owner Request
Tow From 1724 W Lindsey St, Norman, OK 73069, USA
Tow To 3050 Northwest Blvd, Norman, OK 73072, USA (Eurosport Motors LLC)

Year	Make	Model	Color	VIN	Plate	Odometer
2014	Audi	A8 L	Black	[REDACTED]	N005017	[REDACTED]

Charge Description	Quantity	Price	Line Total
Fuel Surcharge	1	\$27.00	\$27.00
Hourly	1.5	\$100.00	\$150.00
Rollback	1	\$30.00	\$30.00
		Grand Total	\$207.00
		Amount Due:	\$0.00
MasterCard payment of \$207.00 applied on 10/4/2023			

NOT RESPONSIBLE FOR LOSS OR DAMAGE TO VEHICLE IN CASE OF FIRE, THEFT, OR ANY OTHER CAUSE BEYOND OUR CONTROL.

Signature: 

Driver Signature: _____

View photos for this tow online at <https://app.towbook.com/PublicAccess/Invoice2.aspx?id=169845173&sc=d5db7d1216>

USDOT: 1213519 DPS# DPS-53462-W



File Attachments for Item:

36. CONSIDERATION OF ADOPTION, REJECTION AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-11: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN SO AS TO REMOVE PART OF SOUTHWEST QUARTER (SW/4) OF SECTION TWO (2), TOWNSHIP NINE (9) NORTH, RANGE THREE (3) WEST OF THE INDIAN MERIDIAN (I.M.), CLEVELAND COUNTY, OKLAHOMA, FROM THE FUTURE URBAN SERVICE AREA AND PLACE THE SAME IN THE CURRENT URBAN SERVICE AREA, AND FROM MEDIUM DENSITY RESIDENTIAL DESIGNATION AND PLACE THE SAME IN THE MIXED USE DESIGNATION, AND REMOVE FROM SPECIAL PLANNING AREA FIVE (5). (Northeast Corner of 36th Avenue N.W. and Franklin Road)



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/28/2023

REQUESTER: Alliance Development Group, L.L.C.

PRESENTER: Jane Hudson, Director of Planning & Community Development
ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-11: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN SO AS TO REMOVE PART OF SOUTHWEST QUARTER (SW/4) OF SECTION TWO (2), TOWNSHIP NINE (9) NORTH, RANGE THREE (3) WEST OF THE INDIAN MERIDIAN (I.M.), CLEVELAND COUNTY, OKLAHOMA, FROM THE FUTURE URBAN SERVICE AREA AND PLACE THE SAME IN THE CURRENT URBAN SERVICE AREA, AND FROM MEDIUM DENSITY RESIDENTIAL DESIGNATION AND PLACE THE SAME IN THE MIXED USE DESIGNATION, AND REMOVE FROM SPECIAL PLANNING AREA FIVE (5). (Northeast Corner of 36th Avenue N.W. and Franklin Road)

SUMMARY OF REQUEST: Alliance Development Group, L.L.C. is proposing a mixed use PUD, Planned Unit Development, on a 60.5 acre property. The proposed development will include residential, commercial, office, and industrial uses. This development proposal requires rezoning from A-2, Rural Agricultural District, to PUD, Planned Unit Development. This proposal also requires a NORMAN 2025 Land Use Plan Amendment from Medium Density Residential Designation to Mixed Use Designation, from Future Urban Service Area to Current Urban Service Area, and removal from Special Planning Area 5 (SPA-5).

STAFF ANALYSIS: For changes in classification under the NORMAN 2025 Land Use and Transportation Plan, the following information is forwarded for consideration.

The role of the NORMAN 2025 Plan in the City's ongoing and diverse planning activities states the document must be flexible, and that it is updated and amended periodically. The Plan defines the desired land use patterns for use and development of all private sector properties. This Plan will serve as a policy guide for zoning and planning requests as they are presented to the Planning Commission and City Council.

1. ***Has there been a change in circumstances resulting from development of the properties in the general vicinity which suggest that the proposed change will not be contrary to the public interest?***

Over the years, the west side of Interstate 35 between Franklin Road and Indian Hills Road has changed since the adoption of the NORMAN 2025 Land Use and Transportation Plan. Between 1999 and 2000, the Community Christian Athletic Facility was constructed just north of this proposal. To the south of this proposal sits Ruby Grant Park, a 140-acre community park. Further south is the Jonathan Fowler Development and the Carroll Farm Development; both the Jonathan Fowler Development and the Carroll Farm Development began platting, rezoning and construction in 2005-2007. Jonathan Fowler Development (along Journey Parkway) now consists of two automobile dealerships, a church, and three medical office buildings. The Carroll Farm Development has two banks, a dental office and a restaurant. Across Interstate 35, the York Plant has undergone a substantial expansion, almost doubling the square footage of the facility. Just to the south of the York Plant is the new Cleveland County Jail. In recent years, OEC developed a new solar garden to the east, across Interstate 35. To the west of this proposal, at the southwest corner of Franklin Road and 36th Avenue N.W., the Carrington Place Development and the North Haven Church also began to develop between 2005 and 2007. There still exists a commercial corner at the southwest corner of Franklin Road and 36th Avenue N.W. The Battison property directly east of the subject property rezoned to a PUD to allow for the development of an automobile dealership and garage.

2. ***Is there a determination that the proposed change would not result in adverse land use or adverse traffic impacts to surrounding properties or the vicinity?***

The proposed uses are similar to surrounding properties. The use of apartments across from a municipal park is recommended to allow space for residents to have recreation opportunities. The current Medium Density Residential Designation implies the intent was to place multifamily developments in this area. The applicant submitted a Traffic Impact Analysis. After review of it, the City Traffic Engineer determined there will be no negative traffic impacts with the proposed development of this area.

Remove Special Planning Area 5:

Special Planning Area 5 is situated between 36th Avenue N.W. and I-35, from Franklin Road north ¼ mile, directly north of Ruby Grant Park. This area is currently designated for Medium Density residential development, if certain conditions are met:

1. A unified overall master development plan that assures appropriate ingress and egress so as to mitigate the potential traffic impacts on 36th Avenue N.W. and Franklin Road.
2. A unified overall master development plan that adequately addresses potential impacts on adjoining residential areas (especially along the northern boundary). This may include landscape treatments and/or setbacks, solid masonry screening walls or fences, and design treatments and building height transitions.
3. Design treatments for building architecture, site design, signage, and landscaping that reflect the importance of this site relative to the community park.
4. Residential uses shall be a minimum of 6 to 8 dwelling units per net acre, with a mixture of housing types and densities encouraged.

The proposed development meets many of the above criteria; however, the first condition requires a unified overall master development plan for the entire SPA-5. This would require either

one owner or a partnership of owners. This is not the case, which requires tracts to be removed from the SPA-5 as they individually develop.

Growth Area Boundary Change from Future to Current Urban Service Area:

An integral part of the NORMAN 2025 Land Use and Transportation Plan is the continued designation of various Growth Areas related to the character, density and level of appropriate public services. The Growth Areas are designated as part of the ongoing effort to accomplish the Goals and Policies related to managing the location of growth in relation to infrastructure and the suitability of land for development.

Growth Area Boundary Changes:

The Growth Area boundaries are approximate, and may be modified slightly as a result of detailed engineering or topographic studies at the time of application for a designation change. Such minor adjustments are not considered to be formal Plan amendments. The following criteria shall apply and set requirements for changes in Growth Area Boundaries:

1. ***The area proposed for change is contiguous to the Current Urban Service Area and constitutes a logical and cohesive service area expansion.***
The area directly north of the proposed development and the Battison property to the east are both in the Current Urban Service Area.
2. ***The request for amendment demonstrates that the subject area has been provided, or will be at the time of development, with complete infrastructure systems. At a minimum, these systems will consist of:***
 - a. ***Additional sanitary sewer collection and treatment capacity needed to serve the expanded area.***
Sewer services for the subject property are adequate for the proposed development.
 - b. ***Water service with adequate pressure for fire-fighting.***
Water services for the subject property are adequate for the proposed development.
 - c. ***Adequate storm drainage to insure that the proposed development will not create downstream drainage problems.***
The applicant has proposed detention ponds and Water Quality Protection Zone to handle stormwater runoff generated by this development.
 - d. ***Access to at least one arterial street connecting the subject area to the Current Urban Service Area.***
36th Avenue N.W. is a Minor Urban Arterial and connects the property to the Current Urban Service Area to the north and the south.

CONCLUSION: Staff forwards this request for amendment of the NORMAN 2025 Land Use Plan from Medium Density Residential Designation to Mixed Use Designation, from Future Urban Service Area to Current Urban Service Area, and removal from Special Planning Area 5 (SPA-5) as Resolution No. R-2324-11 for consideration by City Council.

At their meeting on September 14, 2023, Planning Commission unanimously recommended adoption of Resolution No. R-2324-11, by a vote of 6-0.

RESOLUTION NO. R-2324-11

ITEM NO. 11

STAFF REPORT

ITEM: Alliance Development Group, L.L.C. requests amendment of the NORMAN 2025 Land Use and Transportation Plan from Future Urban Service Area to Current Urban Service Area and from Medium Density Residential Designation to Mixed Use Designation and removal of Special Planning Area 5 (SPA-5) for 60.4801 acres of property generally located at the Northeast corner of 36th Avenue N.W. and Franklin Road.

SUMMARY OF REQUEST: Alliance Development Group, L.L.C. is proposing a mixed use PUD, Planned Unit Development, on a 60.5 acre property. The proposed development will include residential, commercial, office, and industrial uses. This development proposal requires rezoning from A-2, Rural Agricultural District, to PUD, Planned Unit Development. This proposal also requires a NORMAN 2025 Land Use Plan Amendment from Medium Density Residential Designation to Mixed Use Designation, from Future Urban Service Area to Current Urban Service Area, and removal from Special Planning Area 5 (SPA-5).

STAFF ANALYSIS: For changes in classification under the NORMAN 2025 Land Use and Transportation Plan, the following information is forwarded for consideration.

The role of the NORMAN 2025 Plan in the City's ongoing and diverse planning activities states the document must be flexible, and that it is updated and amended periodically. The Plan defines the desired land use patterns for use and development of all private sector properties. This Plan will serve as a policy guide for zoning and planning requests as they are presented to the Planning Commission and City Council.

1. ***Has there been a change in circumstances resulting from development of the properties in the general vicinity which suggest that the proposed change will not be contrary to the public interest?*** Over the years, the west side of Interstate 35 between Franklin Road and Indian Hills Road has changed since the adoption of the NORMAN 2025 Land Use and Transportation Plan. Between 1999 and 2000, the Community Christian Athletic Facility was constructed just north of this proposal. To the south of this proposal sits Ruby Grant Park, a 140-acre community park. Further south is the Jonathan Fowler Development and the Carroll Farm Development; both the Jonathan Fowler Development and the Carroll Farm Development began platting, rezoning and construction in 2005-2007. Jonathan Fowler Development (along Journey Parkway) now consists of two automobile dealerships, a church, and three medical office buildings. The Carroll Farm Development has two banks, a dental office and a restaurant. Across Interstate 35, the York Plant has undergone a substantial expansion, almost doubling the square footage of the facility. Just to the south of the York Plant is the new Cleveland County Jail. In recent years, OEC developed a new solar garden to the east, across Interstate 35. To the west of this proposal, at the southwest corner of Franklin Road and 36th Avenue N.W., the Carrington Place Development and the North Haven Church also began to develop between 2005 and 2007. There still exists a

commercial corner at the southwest corner of Franklin Road and 36th Avenue N. Battison property directly east of the subject property rezoned to a PUD to allow for the development of an automobile dealership and garage.

2. ***Is there a determination that the proposed change would not result in adverse land use or adverse traffic impacts to surrounding properties or the vicinity?*** The proposed uses are similar to surrounding properties. The use of apartments across from a municipal park is recommended to allow space for residents to have recreation opportunities. The current Medium Density Residential Designation implies the intent was to place multifamily developments in this area. The applicant submitted a Traffic Impact Analysis. After review of it, the City Traffic Engineer determined there will be no negative traffic impacts with the proposed development of this area.

Remove Special Planning Area 5:

Special Planning Area 5 is situated between 36th Avenue N.W. and I-35, from Franklin Road north ¼ mile, directly north of Ruby Grant Park. This area is currently designated for Medium Density residential development, if certain conditions are met:

1. A unified overall master development plan that assures appropriate ingress and egress so as to mitigate the potential traffic impacts on 36th Avenue N.W. and Franklin Road.
2. A unified overall master development plan that adequately addresses potential impacts on adjoining residential areas (especially along the northern boundary). This may include landscape treatments and/or setbacks, solid masonry screening walls or fences, and design treatments and building height transitions.
3. Design treatments for building architecture, site design, signage, and landscaping that reflect the importance of this site relative to the community park.
4. Residential uses shall be a minimum of 6 to 8 dwelling units per net acre, with a mixture of housing types and densities encouraged.

The proposed development meets many of the above criteria; however, the first condition requires a unified overall master development plan for the entire SPA-5. This would require either one owner or a partnership of owners. This is not the case, which requires tracts to be removed from the SPA-5 as they individually develop.

Growth Area Boundary Change from Future to Current Urban Service Area:

An integral part of the NORMAN 2025 Land Use and Transportation Plan is the continued designation of various Growth Areas related to the character, density and level of appropriate public services. The Growth Areas are designated as part of the ongoing effort to accomplish the Goals and Policies related to managing the location of growth in relation to infrastructure and the suitability of land for development.

Growth Area Boundary Changes:

The Growth Area boundaries are approximate, and may be modified slightly as a result of detailed engineering or topographic studies at the time of application for a designation change. Such minor adjustments are not considered to be formal Plan amendments. The following criteria shall apply and set requirements for changes in Growth Area Boundaries:

1. ***The area proposed for change is contiguous to the Current Urban Service Area and constitutes a logical and cohesive service area expansion.*** The area directly north of

the proposed development and the Battison property to the east are both Current Urban Service Area.

2. ***The request for amendment demonstrates that the subject area has been provided, or will be at the time of development, with complete infrastructure systems. At a minimum, these systems will consist of:***
 - a. ***Additional sanitary sewer collection and treatment capacity needed to serve the expanded area.*** Sewer services for the subject property are adequate for the proposed development.
 - b. ***Water service with adequate pressure for fire-fighting.*** Water services for the subject property are adequate for the proposed development.
 - c. ***Adequate storm drainage to insure that the proposed development will not create downstream drainage problems.*** The applicant has proposed detention ponds and Water Quality Protection Zone to handle stormwater runoff generated by this development.
 - d. ***Access to at least one arterial street connecting the subject area to the Current Urban Service Area.*** 36th Avenue N.W. is a Minor Urban Arterial and connects the property to the Current Urban Service Area to the north and the south.

CONCLUSION: Staff forwards this request for amendment of the NORMAN 2025 Land Use Plan from Medium Density Residential Designation to Mixed Use Designation, from Future Urban Service Area to Current Urban Service Area, and removal from Special Planning Area 5 (SPA-5) as Resolution No. R-2324-11 for consideration by Planning Commission and recommendation to City Council.

R-2324-11

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN SO AS TO REMOVE PART OF SOUTHWEST QUARTER (SW/4) OF SECTION TWO (2), TOWNSHIP NINE (9) NORTH, RANGE THREE (3) WEST OF THE INDIAN MERIDIAN (I.M.), CLEVELAND COUNTY, OKLAHOMA, FROM THE FUTURE URBAN SERVICE AREA AND PLACE THE SAME IN THE CURRENT URBAN SERVICE AREA, AND FROM MEDIUM DENSITY RESIDENTIAL DESIGNATION AND PLACE THE SAME IN THE MIXED USE DESIGNATION, AND REMOVE FROM SPECIAL PLANNING AREA FIVE (5).

(Northeast Corner of 36th Avenue N.W. and Franklin Road)

- § 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 November 16, 2004, reviewed and adopted the NORMAN 2025 Land Use and Transportation Plan, with an effective date of December 16, 2004; and
- § 3. WHEREAS, Alliance Development Group, L.L.C. has requested that the following described property be moved from the Future Urban Service Area and place the same in the Current Urban Service Area, and moved from Medium Density Residential Designation and placed in the Mixed Use Designation, and remove from Special Planning Area 5 (SPA-5) for the hereinafter described property, to wit:

TRACT 1:

A part of the Southwest Quarter (SW/4) of Section Two (2), Township Nine (9) North, Range Three (3) West of the Indian Meridian, Norman, Cleveland County, Oklahoma, more particularly described as follows:

COMMENCING at the Southwest Corner of said Southwest Quarter;

THENCE North 89°20'09" East on the South line of said Southwest Quarter for a distance of 1,449.67 feet; THENCE North 00°39'51" West for a distance of 751.65 feet to the POINT OF BEGINNING; THENCE North 00°39'51" West for a distance of 628.48 feet; THENCE South 89°45'18" East for a distance of 642.54 feet; THENCE South 00°39'49" East for a distance of 618.30 feet; THENCE South 89°20'09" West for a distance of 642.46 feet to the POINT OF BEGINNING.



Resolution No. R-2324-11

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TRACT 2:

A tract of land being located in the Southwest Quarter (SW/4) of Section Two (2), Township Nine (9) North, Range Three (3) West of the Indian Meridian, Norman, Cleveland County, Oklahoma described as follows:

COMMENCING at the Southwest Corner of said SW/4; THENCE North 00°35'43" West on the West line of said SW/4 for a distance of 1403.11 feet; THENCE South 89°45'18" East for a distance of 2090.71 feet to the POINT OF BEGINNING; THENCE South 89°45'18" East for a distance of 367.10 feet to a point on the West Right-of-Way line of Interstate Highway No. 35; THENCE South 00°21'18" East on said Right-of-Way line for a distance of 18.99 feet; THENCE Southwesterly on said Right-of-Way line on a curve to the right having a radius of 3397.75 feet, a chord bearing of South 01°49'40" West for a curve distance of 259.22 feet; THENCE Southwesterly on said Right-of-Way line on a curve to the left having a radius of 3477.75 feet, a chord bearing of South 01°49'40" West for a curve distance of 265.33 feet; THENCE South 10°57'08" West on said Right-of-Way line for a distance of 50.99 feet; THENCE South 00°21'28" East on said Right-of-Way line for a distance of 19.61 feet; THENCE South 89°20'09" West for a distance of 333.78 feet; THENCE North 00°39'51" West for a distance of 618.30 feet to the POINT OF BEGINNING.

TRACT 3:

A tract of land being located in the Southwest Quarter (SW/4) of Section Two (2), Township Nine (9) North, Range Three (3) West of the Indian Meridian, Norman, Cleveland County, Oklahoma, more particularly described as follows: BEGINNING at the Southwest Corner of said Southwest Quarter; THENCE North 00°35'43" West on the West line of said SW/4 for a distance of 1403.11 feet; THENCE South 89°45'18" East for a distance of 1448.17 feet; THENCE South 00°39'51" East for a distance of 1380.14 feet; THENCE South 89°20'09" West on the South line of said SW/4 for a distance of 1449.67 feet to POINT OF BEGINNING.

When combined, Tracts 1, 2, and 3 form a perimeter and contains a gross area of 2,634,515 square feet or 60.4801 acres and a net area (less statutory rights of way) of 2,541,471 square feet or 58.3442 acres, more or less.

Resolution No. R-2324-11
Page 3

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

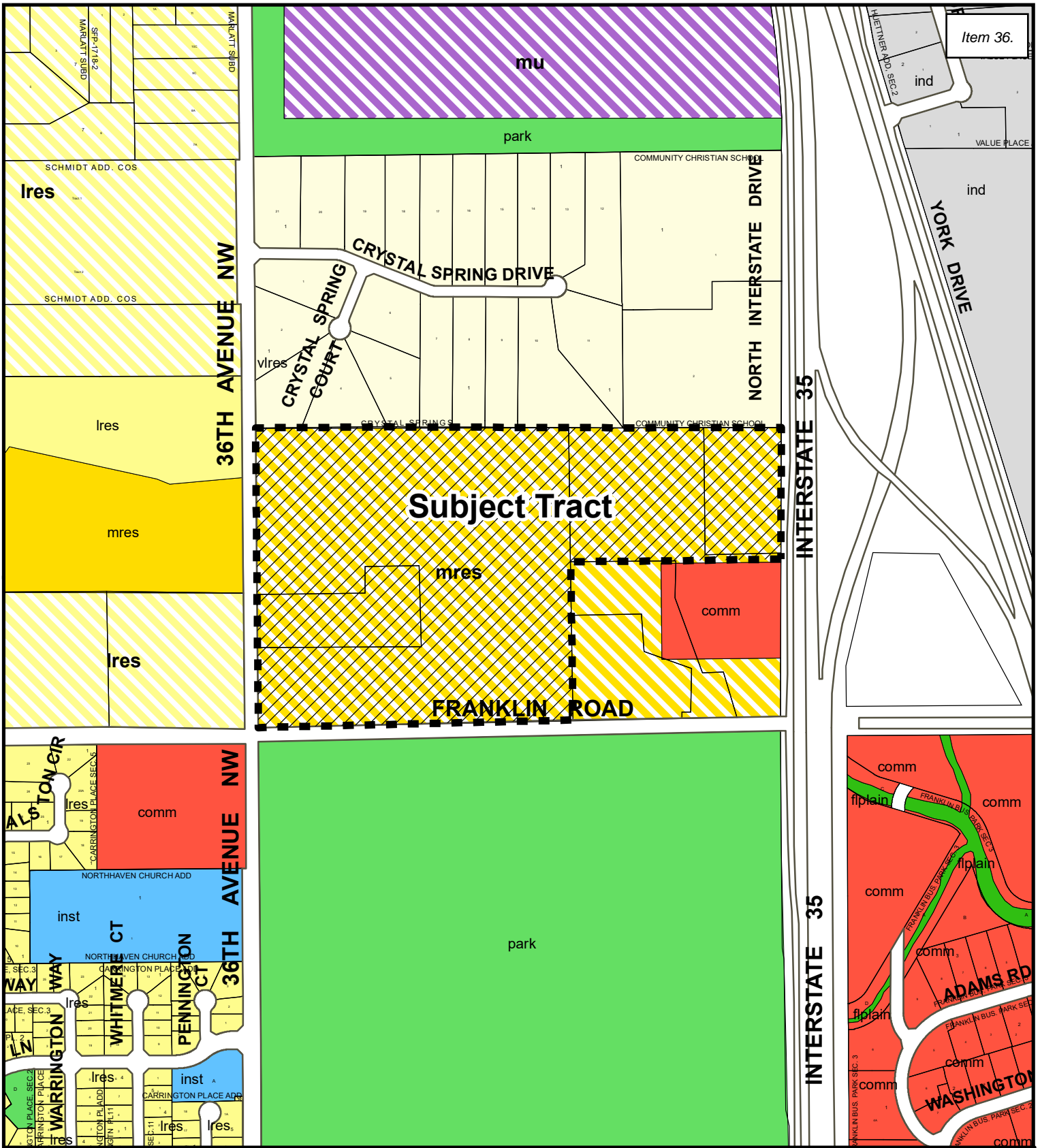
§ 4. That the Council of the City of Norman recognizes the need to control the future growth of the City of Norman; and, that after due consideration has determined that the requested amendment to the NORMAN 2025 Land Use and Transportation Plan should be adopted, and does hereby approve the requested designation.

PASSED AND ADOPTED this _____ day of _____, 2023.

(Mayor)

ATTEST:

(City Clerk)

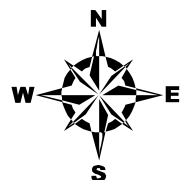


Item 36.

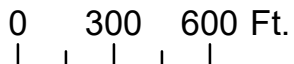
Norman 2025 Land Use Plan




Map Produced by the City of Norman Geographic Information System. The City of Norman assumes no responsibility for errors or omissions in the information presented.



May 3, 2023



 Subject Tract

G:\ArcGIS10\Map_Templates\8k11_LocationMap\ArcMap10.mxd

File Attachments for Item:

37. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF ORDINANCE O-2324-1 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWO (2), TOWNSHIP NINE (9) NORTH, RANGE THREE (3) WEST OF THE INDIAN MERIDIAN, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE A-2, RURAL AGRICULTURAL DISTRICT, AND PLACE THE SAME IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (Northeast corner of 36th Avenue N.W. and Franklin Road)



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: Alliance Development Group, L.L.C.

PRESENTER: Jane Hudson, Director of Planning & Community Development

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF ORDINANCE O-2324-1 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWO (2), TOWNSHIP NINE (9) NORTH, RANGE THREE (3) WEST OF THE INDIAN MERIDIAN, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE A-2, RURAL AGRICULTURAL DISTRICT, AND PLACE THE SAME IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (Northeast corner of 36th Avenue N.W. and Franklin Road)

PROJECT OVERVIEW: The applicant, Alliance Development Group, L.L.C., is requesting rezoning to a Planned Unit Development, PUD, for approximately 60.5 acres on the northeast corner of 36th Avenue N.W. and W. Franklin Rd. The subject property is currently zoned A-2, Rural Agricultural District. The applicant requests this rezoning to allow for a mix of uses, including single-family residential, multi-family, commercial, office, and industrial uses.

PROCEDURAL REQUIREMENTS:

GREENBELT COMMISSION MEETING: GBC23-19, August 23, 2023

The commission discussed that there needs to be a safe way for children in Carrington and this proposed development, Franklin Woods, to get to the park until the expansion of 36th is completed. They felt that the best solution for this would be a trail sidewalk system.

Richard McKown said that he felt confident that he could get his investors to agree to this if the Norman Parks and Recreation Department agreed as well. They, the Green Belt Commission, wanted to include a note to the Parks Department stating that if they, the developer of Franklin Woods, extend a trail sidewalk system 8 feet wide minimum, going along the east side of 36th, to the North side of the intersection at Franklin Road, that the park will meet them with the other part of it sidewalk, including opening up the cable border fence to make a proper pedestrian connection.

If the parks department extends its portion of the sidewalk out to the intersection, the Carrington development will also place a smaller, temporary sidewalk, connecting the existing sidewalk on the south side of Franklin Road, roughly 600 feet west of 36th Ave.

(Staff Note: The above discussion involves the Parks Department and they were not at the Greenbelt meeting. At this point nothing has been approved or negotiated. The preliminary plat for this application includes sidewalks along the east side of 36th Avenue N.W., the north side of W. Franklin Road and the west side of N. Interstate Drive. The intersection of 36th Avenue N.W. and W. Franklin Road is currently a four-way stop with no crosswalks. There are no existing sidewalks on the south side of W. Franklin Road or along 36th Avenue N.W. adjacent to Ruby Grant Park.)

PRE-DEVELOPMENT MEETING: PD23-11, April 27, 2023

The neighbors attending were concerned with traffic increase because of the very high density and the fact that there will be access to the dwellings from 36th Avenue, drainage and flooding issues, lack of school capacity for new residents, maintenance, and long-term management for the apartment complex. The neighbors brought up the existence of three other apartment complexes in the area, which they consider already have increased traffic in the neighborhood.

In discussion with the applicant, the neighbors felt better knowing the project details but are still concerned about the traffic, high-density issues, and long-term use of the apartments. The applicant will consider additional access over N. Interstate Dr. The neighbors intend to attend the Planning Commission meeting.

BOARD OF PARKS COMMISSIONERS, September 7, 2023

Parks staff recommended to support the developer's request to provide a fee-in-lieu of park land to be utilized at Castlerock Park, located between the Carrington and Castlerock neighborhoods. Vote was unanimous for fee-in-lieu by a vote of 6-0.

ZONING ORDINANCE CITATION:

SEC. 36-509 – PLANNED UNIT DEVELOPMENT

1. Statement of Purpose. It is the intent of this section to encourage developments with a superior built environment brought about through unified development and to provide for the application of design ingenuity in such developments while protecting existing and future surrounding areas in achieving the goals of the comprehensive plan of record. The "PUD" Planned Unit Development district herein established is intended to provide for greater flexibility in the design of buildings, yards, courts, circulation, and open space than would otherwise be possible through the strict application of other district regulations. In this way, applicants may be awarded certain premiums in return for assurances of overall planning and design quality, or which will be of exceptional community benefit and which are not now required by other regulations. By permitting and encouraging the use of such procedures, the Planning Commission and City Council will be able to make more informed land use decisions and thereby guide development more effectively in the best interest of the health, safety, and welfare of the City.

Specifically, the purposes of this section are to encourage:

- (a) A maximum choice in the types of environment and living units available to the public.
- (b) Provision of more usable and suitably located open space, recreation areas, or other common facilities than would otherwise be required under conventional land development regulations.
- (c) Maximum enhancement and minimal disruption of existing natural features and amenities.
- (d) Comprehensive and innovative planning and design of diversified developments which are consistent with the City's long range plan and remain compatible with surrounding developments.
- (e) More efficient and economic use of land resulting in smaller networks of utilities and streets, thereby lowering costs.
- (f) Preparation of more complete and useful information which will enable the Planning Commission and City Council to make more informed decisions on land use.

The PUD (Planned Unit Development) Regulations are designed to provide for small and large scale developments incorporating a single type or a variety of residential, commercial, industrial and related uses which are planned and developed as a unit. Such development may consist of individual lots, or it may have common building sites. Private or public common land and open space must be an essential, major element of the development which is related to, and affects, the long term value of the homes and other development. A Planned Unit Development shall be a separate entity with a distinct character that respects and harmonizes with surrounding development.

STAFF ANALYSIS: The particulars of this PUD include:

USE: The PUD Narrative includes an extensive list of uses in Exhibit D. These are arranged by allowable uses for Low Density/Single Family Residential, Apartment Multifamily, and Commercial.

OPEN SPACE: The applicant proposes 27 acres of green space, which is approximately 45% of open space throughout the development.

SITE PLAN/ACCESS: The proposed site development plan includes 350 apartments on the corner of 36th Avenue N.W. and W. Franklin Road. There are two access points for the apartments; one off 36th Avenue N.W. and one off W. Franklin Road. There is another access point to the north of the development off 36th Avenue N.W., which will provide access to 47 residential lots. There are two proposed access points off N. Interstate Drive, which provide access to the commercial portion of the development. The commercial area includes three buildings and proposed parking.

LANDSCAPING: Landscaping will be provided according to Section 36-551, Landscaping Requirements for Off-Street Parking Facilities.

SIGNAGE: The signage for each individual lot in the development will comply with Norman's applicable signage restrictions, contained in Chapter 28 of the City of Norman's Code of

Ordinances, for low density residential, multi-family residential, industrial, office, or commercial properties, depending on the actual use of the site.

LIGHTING: All exterior lighting in the Apartment Multifamily and Commercial portions of the development will be installed in conformance with Section 36-549, Commercial Outdoor Lighting Standards.

SANITATION/UTILITIES: The Apartment Multifamily and Commercial portions of the development will include on-site dumpsters to handle trash. The single-family lots will utilize polycarts.

PARKING: Parking will meet or exceed the City's applicable parking ordinances. There are currently no minimum parking requirements.

SIDEWALKS: Sidewalks will be provided along all public street frontages, including interior streets.

HEIGHT: The commercial portion of the property has no height limit. The Apartment Multifamily portion has a height limit of four stories.

PHASING: It is anticipated that the Property will be developed in multiple phases. The actual timing and number of development phases will be determined by various factors outside of the Applicant's control, including, but not limited to, market demand and absorption rates.

EXISTING ZONING: The existing zoning for the subject property is A-2, Rural Agricultural District. The A-2 District allows for single-family residential and agricultural uses, such as barns, raising of farm animals, and agricultural crops. Commercial and multifamily residential is not allowed in A-2.

ALTERNATIVES/ISSUES:

IMPACTS: The proposed uses will be more intense than the existing use of the property. However, City Staff does not anticipate negative traffic impacts.

OTHER AGENCY COMMENTS:

FIRE DEPARTMENT: No comments

PUBLIC WORKS/ENGINEERING: Please see the attached staff report regarding the preliminary plat. A variance to the allowed length of a cul-de-sac has been requested. Any work proposed in the floodplain must obtain a Floodplain Permit before any work may commence.

TRAFFIC ENGINEER: Please see the attached Development Review Form for Transportation Impacts from the City's Traffic Engineer.

UTILITIES: Payback/recoupment will be required for the frontages along 36th Avenue and Franklin Road for the Oklahoma City Water Line and Ruby Grant Water Line payback projects, respectively. Payment can be calculated upon request by the owner but will be required prior to approval of the final plat. No comments regarding sanitary sewer. Dumpster locations and orientations to be revised at final platting stages.

CONCLUSION: Staff forwards this request for rezoning from A-2, Rural Agricultural District, to a PUD, Planned Unit Development, and Ordinance No. O-2324-1 to City Council.

At their September 14, 2023 meeting, Planning Commission unanimously recommended adoption of Ordinance No. O-2324-1, by a vote of 6-0.

O-2324-1

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWO (2), TOWNSHIP NINE (9) NORTH, RANGE THREE (3) WEST OF THE INDIAN MERIDIAN, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE A-2, RURAL AGRICULTURAL DISTRICT, AND PLACE SAME IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (Northeast corner of 36th Avenue N.W. and Franklin Road)

- § 1. WHEREAS, Alliance Development Group, L.L.C., the owners of the hereinafter described property, have made application to have the subject property removed from the A-2, Rural Agricultural District and placed in the PUD, Planned Unit Development 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 36-201 of the Code of the City of Norman, Oklahoma, is hereby amended so as to remove the following described property from the A-2, Rural Agricultural District and place the same in the PUD, Planned Unit Development District, to wit:

TRACT 1:

A part of the Southwest Quarter (SW/4) of Section Two (2), Township Nine (9) North, Range Three (3) West of the Indian Meridian, Norman, Cleveland County, Oklahoma, more particularly described as follows:
COMMENCING at the Southwest Corner of said Southwest Quarter;
THENCE North 89°20'09" East on the South line of said Southwest Quarter for a distance of 1,449.67 feet; THENCE North 00°39'51" West for a distance of 751.65 feet to the POINT OF BEGINNING; THENCE North 00°39'51" West for a distance of 628.48 feet; THENCE South 89°45'18" East for a

distance of 642.54 feet; THENCE South 00°39'49" East for a distance of 618.30 feet; THENCE South 89°20'09" West for a distance of 642.46 feet to the POINT OF BEGINNING.

TRACT 2:

A tract of land being located in the Southwest Quarter (SW/4) of Section Two (2), Township Nine (9) North, Range Three (3) West of the Indian Meridian, Norman, Cleveland County, Oklahoma described as follows:

COMMENCING at the Southwest Corner of said SW/4; THENCE North 00°35'43" West on the West line of said SW/4 for a distance of 1403.11 feet; THENCE South 89°45'18" East for a distance of 2090.71 feet to the POINT OF BEGINNING; THENCE South 89°45'18" East for a distance of 367.10 feet to a point on the West Right-of-Way line of Interstate Highway No. 35; THENCE South 00°21'18" East on said Right-of-Way line for a distance of 18.99 feet; THENCE Southwesterly on said Right-of-Way line on a curve to the right having a radius of 3397.75 feet, a chord bearing of South 01°49'40" West for a curve distance of 259.22 feet; THENCE Southwesterly on said Right-of-Way line on a curve to the left having a radius of 3477.75 feet, a chord bearing of South 01'49'40" West for a curve distance of 265.33 feet; THENCE South 10°57'08" West on said Right-of-Way line for a distance of 50.99 feet; THENCE South 00°21'28" East on said Right-of-Way line for a distance of 19.61 feet; THENCE South 89°20'09" West for a distance of 333.78 feet; THENCE North 00°39'51" West for a distance of 618.30 feet to the POINT OF BEGINNING.

TRACT 3:

A tract of land being located in the Southwest Quarter (SW/4) of Section Two (2), Township Nine (9) North, Range Three (3) West of the Indian Meridian, Norman, Cleveland County, Oklahoma, more particularly described as follows:

BEGINNING at the Southwest Corner of said Southwest Quarter; THENCE North 00°35'43" West on the West line of said SW/4 for a distance of 1403.11 feet; THENCE South 89°45'18" East for a distance of 1448.17 feet; THENCE South 00°39'51" East for a distance of 1380.14 feet; THENCE South 89°20'09" West on the South line of said SW/4 for a distance of 1449.67 feet to POINT OF BEGINNING.

When combined, Tracts 1, 2, and 3 form a perimeter and contains a gross area of 2,634,515 square feet or 60.4801 acres and a net area (less statutory rights of way) of 2,541,471 square feet or 58.3442 acres, more or less.

Ordinance No. O-2324-1
Page 3

§ 5. Further, pursuant to the provisions of Section 36-509 of the Code of the City of Norman, as amended, the following condition is hereby attached to the zoning of the tract:

- a. The site shall be developed in accordance with the PUD Narrative, Site Development Plan, and supporting documentation, approved by the Planning Commission on September 14, 2023, and made a part hereof.

§ 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 _____, 2023.

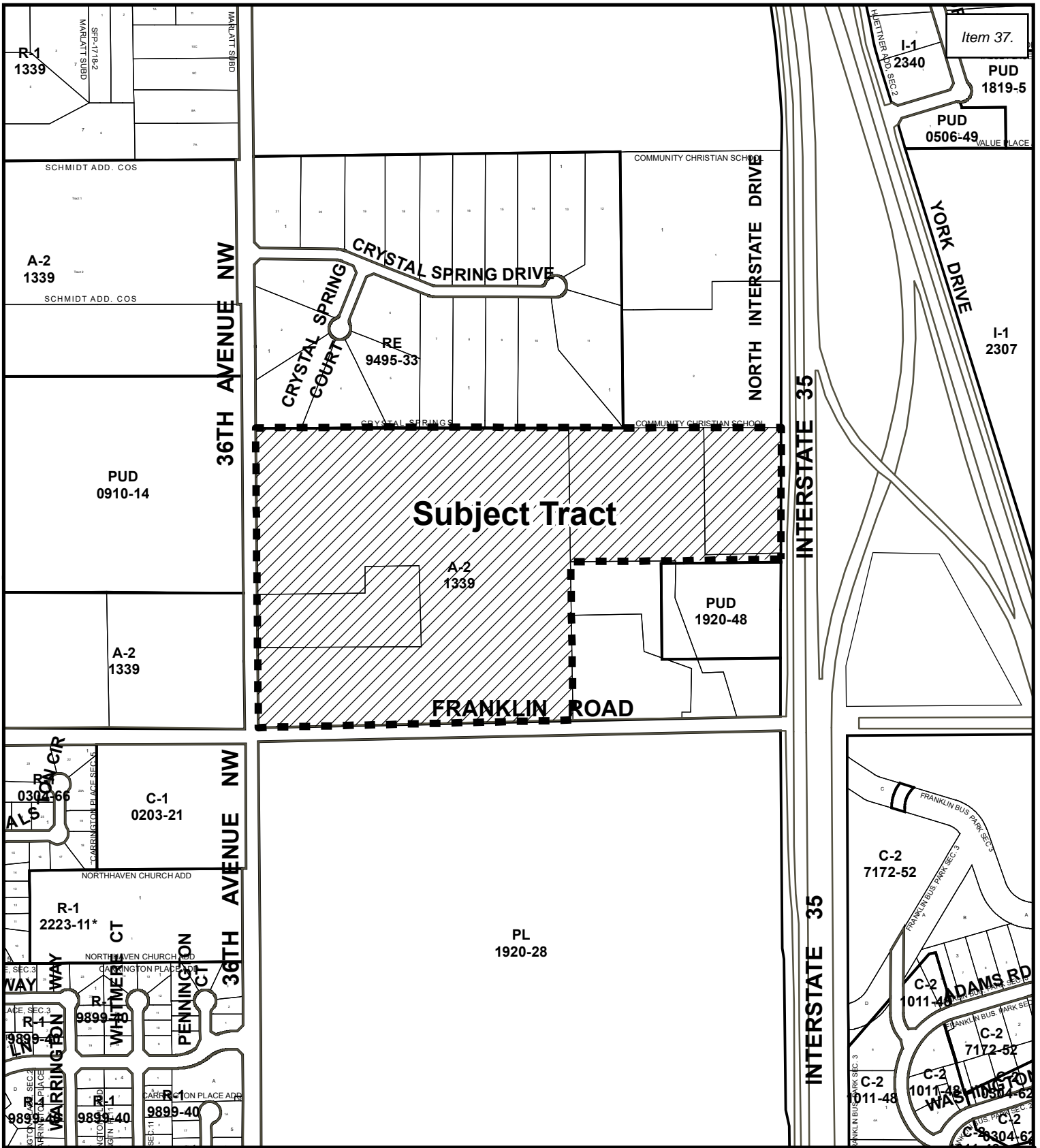
NOT ADOPTED this _____ day of _____, 2023.

(Mayor)

(Mayor)

ATTEST:

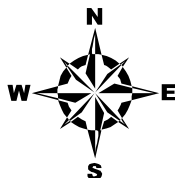
(City Clerk)



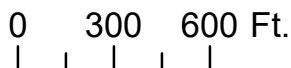
Location Map





Map Produced by the City of Norman
 Geographic Information System.
 The City of Norman assumes no
 responsibility for errors or omissions
 in the information presented.



May 3, 2023



-  Subject Tract
-  Zoning

FRANKLIN WOODS

A PLANNED UNIT DEVELOPMENT NORMAN, OKLAHOMA

APPLICANT:

Alliance Development Group, LLC.
Richard McKown and Linda Hildebrant

APPLICATION FOR:

PLANNED UNIT DEVELOPMENT
PRELIMINARY PLAT
2025 AMENDMENT

Submitted May 1, 2023
Revised September 11, 2023

PREPARED BY:

RIEGER LAW GROUP PLLC
136 Thompson Drive
Norman, Oklahoma 73069

TABLE OF CONTENTS

- I. INTRODUCTION
 - Background and Intent

- II. PROPERTY DESCRIPTION/GENERAL SITE CONDITIONS
 - A. Location
 - B. Existing Land Use and Zoning
 - C. Elevation and Topography
 - D. Drainage
 - E. Utility Services
 - F. Fire Protection Services
 - G. Traffic Circulation and Access

- III. DEVELOPMENT PLAN AND DESIGN CONCEPT
 - A. Uses Permitted
 - B. Area Regulations
 - C. Parking
 - D. Miscellaneous Development Criteria

EXHIBITS

- A. Legal Description of the Property
- B. Preliminary Site Development Plan
- C. Preliminary Plat
- D. Allowable Uses
- E. Green Space Exhibit

I. INTRODUCTION

Alliance Development Group, LLC (the “**Applicant**”) seeks to rezone a tract of property, containing approximately 60.4801 acres, located in Ward 8 of the City of Norman. More particularly, the site is located north of West Franklin Road, generally located at the Northeast corner of the intersection of West Franklin Road and 36th Ave NW, more particularly described on the attached **Exhibit A** (the “**Property**”).

The Applicant intends to use this Planned Unit Development (“**PUD**”) to put forth the parameters for which the development of the Property may be phased over time. The Property is currently zoned A-2, Rural Agricultural. This PUD will allow for a mixed-use development featuring single-family and multi-family residential opportunities within the Property, while allowing various compatible commercial, office, and light industrial uses. This master development plan for the Property aligns with the goals and intent of the NORMAN 2025 plan for this Property by offering a mixture of housing types and densities, assuring appropriate ingress and egress for the Property, limiting impacts to neighboring properties, and utilizing the City’s substantial investment in Ruby Grant Park. Furthermore, this development is expected to benefit the residents of Norman by providing various additional residential opportunities and local services in close proximity to I-35 that are thoughtfully designed around extensive green spaces.

II. PROPERTY DESCRIPTION/GENERAL SITE CONDITIONS

A. Location

The Property lies on the North side of West Franklin Road, generally located at the Northeast corner of the intersection of West Franklin Road and 36th Ave NW.

B. Existing Land Use and Zoning

The Property is currently zoned A-2, Rural Agricultural, with Flood Zone meandering through portions of the site. The existing NORMAN 2025 designation for the Property is Medium Density Residential.

The Crystal Spring residential subdivision to the North of the Property is zoned RE, Residential Estates, and the abutting properties to the Northeast are zoned A-2, Rural Agricultural. The properties to the North and Northeast have a NORMAN 2025 designation of Very Low Density Residential. To the East, there is a parcel zoned PUD, allowing for commercial uses with a site plan for a car dealership, and has a NORMAN 2025 designation of Commercial. The Southeast abutting properties are zoned A-2, Rural Agricultural, with a NORMAN 2025 designation of Medium Density Residential.

The Southwest corner of the West Franklin Rd and 36th Ave N.W. intersection is zoned C-1, Local Commercial, with a NORMAN 2025 designation of Commercial.

The Northwest corner of the same intersection is currently zoned A-2, Rural Agricultural, with a Low-Density Residential NORMAN 2025 designation, although development plans have been submitted to the City seeking to incorporate this parcel into the J&J Planned Unit Development. To the Northwest of the Property is the J&J Planned Unit Development with a NORMAN 2025 designation of Medium Density Residential.

Ruby Grant Park is located directly South of West Franklin Road, with a Park/Park Land zoning and NORMAN 2025 designation.

C. Elevation and Topography

The Property consists of unimproved land and generally slopes South/Southeast.

D. Drainage

A drainage report has been provided by the Applicant to City Staff as part of the Preliminary Plat application. This property is located within the Lake Thunderbird watershed. There are both floodplain and water quality protection zone (WQPZ) areas on the property. No structures or parking will be built within these areas with the exception of the entrance road off of 36th Ave NW into the development. A floodplain permit has been obtained for this work.

E. Utility Services

The necessary utility services for this project are already located in close proximity to the Property. The Applicant shall extend such utility services to the Property, as necessary.

F. Fire Protection Services

Fire Protection services will be provided by the City of Norman Fire Department and by the Applicant as such are required by applicable City codes.

G. Traffic Circulation and Access

Access to the Property shall be permitted in the manner depicted on the attached Preliminary Site Development Plan.

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

The Property is planned to accommodate a mixed-use development featuring single-family and multi-family residential dwelling units, as well as compatible office, commercial, and light industrial uses. The Property shall be developed in general compliance with the preliminary site development plan, attached hereto. The Exhibits

attached hereto, and as submitted on behalf on the Applicant, are incorporated herein by reference and further depict the development criteria for the Property.

A. Uses Permitted:

The Property shall contain the following allowable uses in the general locations noted below:

Single Family Residential Uses – Along North Property Line (Blocks 1 – 5 on the Preliminary Plat)

Apartment Multifamily Uses – In the Southwest corner of the Property (Block 7 of the Preliminary Plat)

Light-Industrial and Commercial Uses – In the Northeast corner of the Property (Block 6 on the Preliminary Plat)

A complete list of the allowable uses for each category is attached as **Exhibit D**.

B. Area Regulations:

- The lots within the **Single-Family Residential** portion of the Property, as approximately shown on Blocks 1 – 5 of the Preliminary Plat), shall comply with the following regulations:

Front Yard: The minimum depth of the front yard setback shall be fourteen (14') feet provided that all garages shall have a minimum twenty (20') foot front yard setback. Each lot shall have a minimum width of forty feet (40') at the front setback line.

Side Yard: The minimum depth of the side yard setback shall be five (5') feet provided that roof overhangs shall be allowed to encroach upon the side yard setback.

Rear Yard: The minimum depth of the rear yard setback shall be ten (10') feet.

Density and Lot Size: The maximum lot coverage for all structures, as well as impervious area, shall be no more than seventy-five percent (75%) of the total lot area. The minimum lot size shall be six thousand (6,000) square feet. It is currently anticipated that 47 single family dwelling units will be developed within the Low Density/Single Family Residential portion of the Property, as approximately shown on (Blocks 1 – 5 of the Preliminary Plat.

Height: The maximum building height shall be two stories, provided that a three-story building may be constructed if the side yards are increased an additional five (5) feet.

- The lot within the **Apartment Multifamily** portion of the Property, as approximately shown on Block 7 of the Preliminary Plat, shall comply with the with the following regulations:

North Setback: The minimum building setback shall be five (5') feet from the North Property line.

East Setback: The minimum building setback shall be five (5') feet from the East Property line.

West Setback: The minimum building setback shall be ten (10') feet from the West Property line.

South Setback: The minimum building setback shall be ten (10') feet from the South Property line.

Density and Lot Size: Impervious area and building coverage of the lot shall be no more than seventy percent (70%) of the total lot area. The number of multi-family dwelling units shall not exceed 350 units.

Height: The maximum building height shall be four stories. The number of stories a building contains shall be determined by the same criteria enumerated in the City of Norman's Zoning Code, provided that mezzanines, loft spaces, and similar architectural designs shall not constitute a separate story.

- The lots within the **Commercial** portion of the Property, as approximately shown on Block 6 the Preliminary Plat, shall comply with the with the following regulations:

Front Yard: All buildings shall be set back from any abutting street right-of-way at least ten (10) feet.

Side Yard: For uses other than dwelling, no side yard shall be required except on the side of a lot adjoining a residential zoning district in which case there shall be a side yard of not less than five (5) feet.

Rear Yard: There shall be a ten (10) foot landscape strip along the north boundary of the Commercial lot. The rear yard building setback shall be no less than ten (10) feet from the north property line of the Commercial lot.

Height: There shall be no height limit for any building or structure in this District.

C. Parking:

Parking will meet or exceed the City of Norman's applicable parking ordinances for each use.

D. Dumpster and Trash Enclosures

Trash may be handled through on-site dumpsters within the **Apartment Multifamily and Commercial** portions of the Property. A trash compactor(s) and its enclosure(s) may also be located on site to facilitate trash removal. Any dumpster or trash facilities shall be screened within enclosures that are built of materials to be compatible with the building exteriors of the main building. Roll off dumpsters shall be allowed for temporary construction purposes in the **Single-Family Residential** portion of the Property.

E. Miscellaneous Development Criteria

1. Site Plan

The preliminary site development plan for the Property is concurrently submitted with this PUD and shall be incorporated herein as an integral part of the PUD and the development of the property shall be generally constructed as presented thereon, subject to final design development and the changes allowed by Section 36-509(g) of the City of Norman's PUD Ordinance, as may be amended from time to time.

2. Open Space/Common Area

Open space and green space areas are located throughout the Property, as shown on the Green Space Exhibit, attached hereto as **Exhibit E**. The Property anticipates approximately 27 acres of Green Space, accounting for approximately 45% of open space throughout the development. Common Areas within the Property may contain amenities, such as but not limited to walking trail, benches, piers, decks, community clubhouse, and swimming pools. If applicable, the Applicant shall obtain floodplain permits for any improvements/structures located within the floodplain

3. Signage

The signage for each individual lot in the Property shall comply with Norman's applicable signage restrictions, contained in Chapter 28 of the City of Norman's Code of Ordinances, for low density residential, multi-

family residential, industrial, office, or commercial properties, depending on the actual use of the site.

4. Traffic access/circulation/parking and sidewalks

Access to the Property shall be permitted in the manner depicted on the attached Preliminary Site Development Plan. The Property shall comply with the City of Norman standards to allow for emergency access and fire access as necessary, as such standards may be amended from time to time. Sidewalks will be required adjacent to all public and private streets within the Property. Vehicular maneuvering shall be permitted within the streets and/or rights-of-way, as some common area amenities may feature parallel or similar parking spaces.

5. Lighting

All exterior lighting in the Apartment Multifamily and Commercial portions of the Property shall be installed in conformance with the City of Norman's Commercial Outdoor Lighting Standards, contained in Section 36-549 of the City of Norman's Zoning Ordinance, as may be amended from time to time.

6. Landscaping

Landscaping shall be provided in conformity to Section 36-551 of the City of Norman's Zoning Ordinance, as may be amended from time to time.

7. Phasing

It is anticipated that the Property will be developed in multiple phases. The actual timing and number of development phases will be determined by various factors outside of the Applicant's control, including, but not limited to, market demand and absorption rates.

EXHIBIT A
Legal Description of the Property

TRACT 1:

A part of the Southwest Quarter (SW/4) of Section Two (2), Township Nine (9) North, Range Three (3) West of the Indian Meridian, Norman, Cleveland County, Oklahoma, more particularly described as follows:

COMMENCING at the Southwest Corner of said Southwest Quarter;

THENCE North 89°20'09" East on the South line of said Southwest Quarter for a distance of 1,449.67 feet;

THENCE North 00°39'51" West for a distance of 751.65 feet to the POINT OF BEGINNING;

THENCE North 00°39'51" West for a distance of 628.48 feet;

THENCE South 89°45'18" East for a distance of 642.54 feet;

THENCE South 00°39'49" East for a distance of 618.30 feet;

THENCE South 89°20'09" West for a distance of 642.46 feet to the POINT OF BEGINNING.

TRACT 2:

A tract of land being located in the Southwest Quarter (SW/4) of Section Two (2), Township Nine (9) North, Range Three (3) West of the Indian Meridian, Norman, Cleveland County, Oklahoma described as follows:

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THENCE Southwesterly on said Right-of-Way line on a curve to the right having a radius of 3397.75 feet, a chord bearing of South 01°49'40" West for a curve distance of 259.22 feet;

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EXHIBIT D
Allowable Uses

Low Density/Single Family Residential Allowable Uses:

- General Single Family Residential Uses, which include:
 - Detached single family dwellings;
 - Family day care home;
 - General purpose farm or garden;
 - Home occupations;
 - Municipal recreation or water supply;
 - Accessory buildings;
 - Model homes and/or Sales Office, subject to the applicable one-hundred-dollar annual permit for no more than four (4) years;
 - Short-term rentals; and
 - Accessory Dwelling Units, which may be detached from the main home on the lot but may not be individually/separately rented.

Apartment Multifamily Allowable Uses:

- High Density Multifamily Uses, which include:
 - Attached single family dwellings or detached zero lot line single family dwellings, provided that such uses comply with the area regulations enumerated above for this allowable use category;
 - Two-family dwelling (duplex), or a single-family dwelling with a garage apartment;
 - Apartment buildings, together with clubhouse, leasing office, fitness center, garage buildings, and similar associated uses;
 - Townhouse Development;
 - Short-term rentals; and
 - Accessory buildings and uses customarily incidental to any of the above uses when located on the same lot.

Commercial Allowable Uses:

- Various Light-Industrial Uses, which include:
 - Automobile sales and service, but not including automobile or machinery wrecking establishments or junk yards;
 - Boat sales and service;
 - Building materials sales yard, including the sale of rock, sand, gravel, and cement and the like as an incidental part of the main business. This shall not be construed as permitting a cement batch plant or transit mix plant;
 - Contractor's equipment storage yard or yard for rental equipment of a type commonly used by contractors;
 - Funeral parlor, mortuary, and crematorium so long as the crematorium is attached to the funeral parlor or mortuary and complies with the following conditions and requirements:

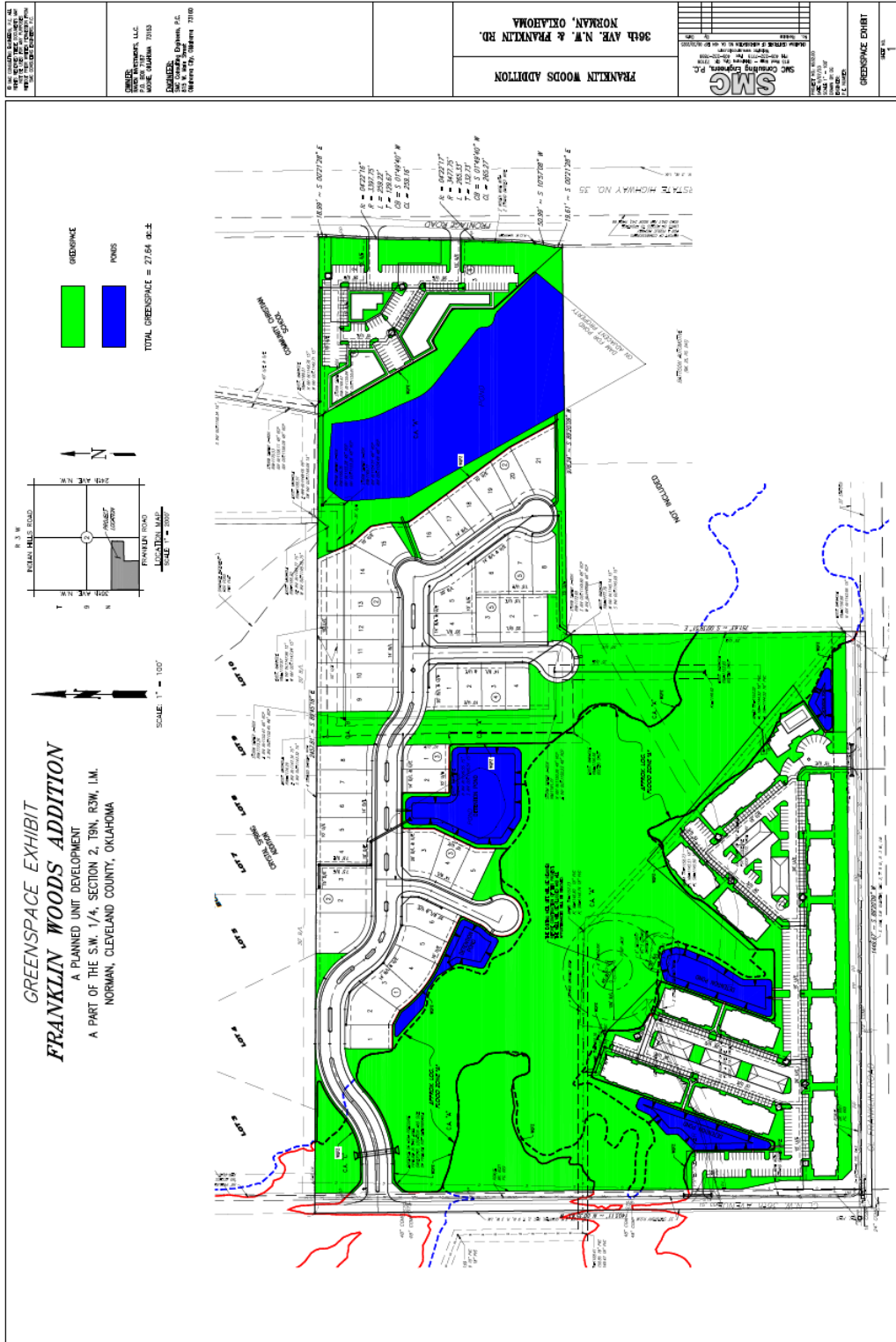
- Any building which incorporates a crematorium use shall meet the setback requirements of the underlying zoning district.
 - Facilities shall meet all applicable state and federal requirements for incineration equipment and shall be licensed at all times.
 - All storage shall be inside.
 - Incinerator stacks shall not be located on the front side of the roof of any structure facing the street.
 - Farm machinery or contractor's machinery storage yard;
 - Self-Storage and/or Mini-Storage;
 - Veterinary hospital;
 - Warehousing;
 - Trade schools and schools for vocational training;
- General Office Uses, which include:
 - Art Gallery;
 - Assembly Halls;
 - Laboratories for research and testing, including Medical Marijuana Testing Laboratories, as allowed by state law, where all work is housed in buildings;
 - Libraries;
 - Museums;
 - Music Conservatories;
 - Office buildings or offices for professional services, including but not limited to accountant, architect, attorney, business or management consultant, court reporter, dentist or dental surgeon, engineer, geologist or geophysicists, linguist, landscape architect, optometrist, optician, osteopathic physician, planning consultant, psychologist, physician or surgeon, or registered nurse; provided, however, that no retail sales nor stock of goods shall be permitted other than the incidental sale of merchandise within the above professional offices or a pharmacy which may be located only in a building providing space for medical offices. Funeral homes and mortuaries shall not be considered professional services permitted in this district;
 - Public and private schools and college with students in residence and dormitories associated therewith;
 - Trade schools and schools for vocational training;
 - Churches, temples or other places of worship;
 - Fraternal Service Organization not conducted for profit.
 - Recreation uses associated with any of the uses listed above and maintained primarily for the benefit and use of the occupants thereof.
 - Buildings and structures and uses customarily incidental to the above uses.
- Additionally, the following uses when conducted within a completely enclosed building:
 - Manufacture of beer, wine and spirits and associated sales of those products manufactured on-site, subject to the following conditions and requirements and compliant with the State of Oklahoma Alcoholic Beverage Laws and Enforcement Commission (ABLE):
 - Compliance with all applicable State of Oklahoma ABLE laws regarding manufacturing and packaging of beer, wine and spirits;

- Compliance with all applicable State of Oklahoma ABLE laws regarding on-site serving of alcoholic beverages (beer, wine and spirits) and pre-packaged sales, as well as retailing of associated merchandise;
 - Licensure with the State of Oklahoma ABLE and City of Norman.
 - The manufacture, compounding, processing or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toiletries, and food products.
 - The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: Bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, shell, textiles, tobacco, wood, yarn, and paint not employing a boiling process.
 - The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
 - The manufacture and maintenance of electric and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like.
 - Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
 - Machine shop excluding punch presses over twenty (20) tons rated capacity, drop hammers, and automatic screw machines.
 - Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders and the like.
 - Laboratories: Experimental, photo or motion picture, film or testing. For the purposes of this section, "Laboratories" includes Medical Marijuana Testing Laboratories, as allowed by state law, that fully comply with this provision.
 - Poultry or rabbit killing incidental to a retail business on the same premises.
 - Foundry casting light weight non-ferrous metals.
 - Tire retreading and recapping when incidental to a retail tire business.
 - Pipe storage yard.
 - Machinery or equipment storage yard.
 - Medical Marijuana Commercial Grower, as allowed by state law.
 - Medical Marijuana Education Facility, as allowed by state law.
 - Medical Marijuana Processor (any Tier, except that Tier I and Tier II will not be allowed to have on-site sales), as allowed by state law.
 - Medical Marijuana Storage Facility.
- General Commercial and/Retail Uses, which include:
 - Amusement enterprises.
 - New automobile sales and services, new machinery sales and services, and public garage, provided no gas or gasoline is stored above ground; used automobile sales, automobile and machinery repairing if conducted wholly within a completely enclosed building, but not including automobile or machinery wrecking establishments or junk yards;
 - Automobile, farm implement and machinery repair, sales and service, but not automobile wrecking yards or junk yards;
 - Automobile service station;

- Antique Shop;
- Appliance Store;
- Artist materials supply, or studio;
- Automobile parking lots;
- Automobile supply store;
- Baby shop;
- Bank;
- Bakery goods
- Bakery;
- Bath;
- Bus terminal;
- Barber shop, or beauty parlor;
- Book or stationery store;
- Carpenter and cabinet shop;
- Cleaning and dyeing works;
- Camera shop;
- Candy store;
- Catering establishment;
- Child care establishment;
- Clothing or apparel store;
- Dairy products or ice cream store;
- Delicatessen store;
- Dress shop;
- Drug store or fountain;
- Dry Cleaning and Laundry Plant, with no more than three (3) dry cleaning machines, and/or Laundry Pick-up Station;
- Dry goods store;
- Drive-in movie theater;
- Electric sales and service;
- Electric transmission station;
- Feed and fuel store;
- Frozen food locker;
- Fabric or notion store;
- Florist;
- Furniture Store;
- Gift Shop;
- Grocery or supermarket;
- Glass shop;
- Golf course, miniature or practice range;
- Hardware store;
- Hotel or motel;
- Heating, ventilating or plumbing supplies, sales and service;
- Ice plant or storage house for ice and food housing not more than ten (10) tons capacity;
- Interior decorating store;
- Jewelry/Fine Goods;

- Key Shop;
- Leather Store/ Leather Goods;
- Laundry;
- Lodge hall;
- Lumber and building materials sales yard;
- Medical Marijuana Dispensary, as allowed by state law;
- Music, radio or television shop;
- Messenger/Phone/Electronic Store;
- Office Business;
- Outdoor or indoor courts for handball, racquet ball, tennis, or sports activity of a similar nature (lighted outdoor courts shall not to be operated later in the evening than 10:00 p.m. and lighting must be arranged to direct light away from any adjoining property in a residential district);
- Outdoor advertising signs;
- Pawn shop;
- Printing plant;
- Painting and decorating shop;
- Pet shop;
- Pharmacy;
- Photographer's studio;
- Radio and television sales and service;
- Restaurants; A restaurant may include live entertainment and/or a dance floor, (all such activity fully within an enclosed building) provided the kitchen remains open with full food service whenever live entertainment is offered;
- Retail spirits store/Liquor Store;
- Retail Stores;
- Self service laundry;
- Sewing machine sales;
- Sporting goods sales;
- Shoe store or repair shop;
- Sign painting shop;
- Small animal hospital;
- Storage warehouse;
- Tailor Shop/Services;
- Theaters, Bowling Alley, Arcade, and Similar Entertainment Establishments, including those that sell alcoholic beverages in compliance with state law;
- Tier I Medical Marijuana Processor, as allowed by state law;
- Tier II Medical Marijuana Processor, as allowed by state law;
- Toy Store;
- Trailer camp;
- Used auto sales; and
- Wholesale distributing center.

EXHIBIT E
Green Space Exhibit
Full Size Documents Submitted to City Staff



Applicant: Alliance Development Group, LLC

Project Location: NE corner 36th NW/ Franklin Road & Tecumseh Road

Case Number: PD 23-11

Time: 6:00 p.m.

Applicant/Representative

Gunner Joyce

Attendees

- Ben Bigelow, Neighbor
- Deborah & Gerald Younger, Neighbor
- Jonas & Judy Arms, Neighbor
- Sam & Mona Belleau, Neighbors
- Kendra & Justin Goodwin, Neighbors
- Wesley & Jennifer Hubert, Neighbors
- Eddie Tang, Neighbor
- Howe Pham & They Nguyen, Neighbors
- Terika Scott, Neighbors
- Lindsey Jenen, Neighbor
- Richard McKown, Developer
- Libby Smith, Representative

City Staff

- Heather Poole, Assistant City Attorney II
- Melissa Navarro, Planner I

Application Summary

PUD zoning & Plat- Mixed use development with commercial, office, light industrial, multi-family & single family uses.

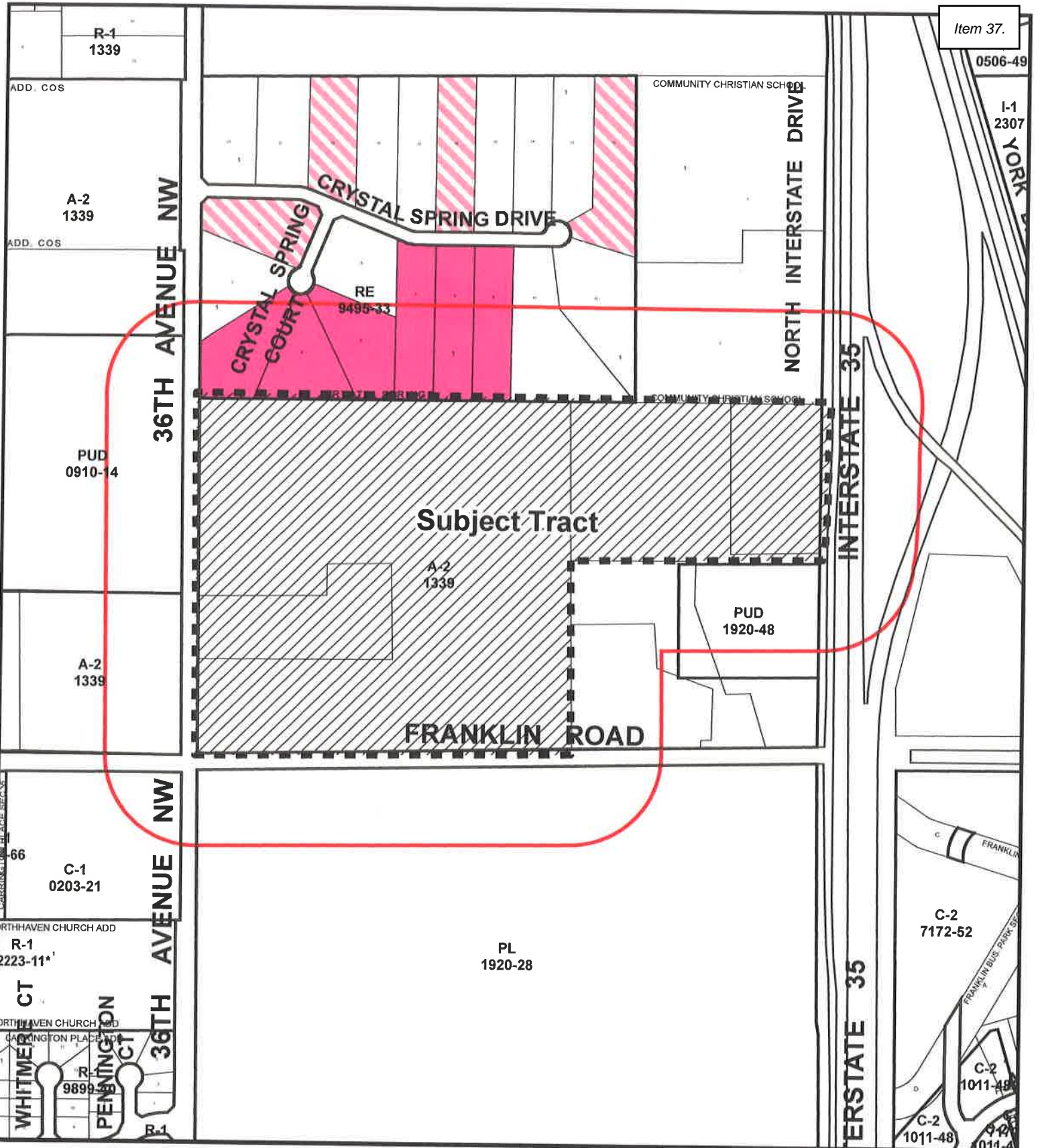
Neighbor's Comments/Concerns/Responses

The neighbors attending were concerned with traffic increase because of the very high density and the fact that there will be access to the dwellings over 36th Avenue, drainage and flooding issues, lack of school capacity for new residents, maintenance, and long-term management for the apartment complex. The neighbors brought up the existence of three other apartment complexes in the area, which they consider already have increased traffic in the neighborhood.

In discussion with the applicant, the neighbors felt better knowing the project details but are still concerned about the traffic, high-density issues, and long-term use of the apartments. The applicant will consider additional access over N Interstate Dr. The neighbor intend to attend the planning commission meeting.

Items 11-13
Franklin Woods
NE Corner Franklin Road &
36th Avenue NW

PROTESTS



Protest Map

17.4% Protest Within Notification Area

Map Produced by the City of Norman Geographic Information System. The City of Norman assumes no responsibility for errors or omissions in the information presented.



0 250 500 Feet

September 12, 2023

-  Subject Tract
-  Notification Area
-  Protest
-  Protest Outside Notification Area

10 September 2023

Jennifer Denny
3333 Crystal Spring Dr.
Norman, Ok 73072

Dear Norman Council Members and Zoning Department

We appreciate the opportunity to respond to the Alliance Development Group, L.L. C's request to change the tract located behind my house from Rural Agricultural to PUD, Planned Unit Development and from Medium Density Residential to mixed use to include single family, commercial and multifamily uses. I do not think anyone in my neighborhood has any issue with Medium Density Residential or even the Commercial property that would be located near the I-35 service road. Every home owner in the Crystal Springs addition and the housing additions like Carrington bought property on this side of Norman for the nice clean community environment and in my case larger lots to allow some distance and privacy. Any apartment complex located this close to Carrington and Crystal Spring Addition would lead to a drop in property value for residents along with higher crime rates, busier roadways, and loss of personal privacy to Crystal Spring residents.

We have concerns about water drainage and single lane road congestion. We have had several bad wrecks at the intersection of 36th and Franklin Road because of the limited visibility and the running of stop signs traveling from Franklin Road from the I-35 service road towards 36th street. This has been addressed by adding a stop sign to the drivers traveling down 36th street when the wrecks were caused by people running the stop sign on Franklin Road. This is still a single lane road at Franklin and 36th street. Now you will be adding hundreds more cars to this road just from the apartment building alone. The tract in question has a very large flood zone the leads over 36th and over it. Water stands on the road showing how bad the water drainage on both sides of the road and on said Track are. The entry road to the addition in question is in a flood zone and my concern is damage to my property or others property in Crystal Spring when they break ground and change the water drainage to fit the needs of the new construction.

We are also concerned about crime rates, which are 7 times higher when you bring in higher density housing apposed to single family dwellings. I am thinking about my family first, but I am also concerned about the property owners near me to include the patrons of Ruby Grant Park, All Saints Catholic School and CCS Christian School that shares a property line with this Track. **Apartment buildings are notorious for providing marginal parking provision for tenants and the overflow from this, plus tenant's visitors, puts all available neighborhoods curbside parking under pressure to include parking at Ruby Grant Park.**

Please reconsider this project and put the citizens of Norman first. Thank you.

Sincerely
Jennifer Denny
Property Owner,
3333 Crystal Springs Dr.
Norman, Oklahoma 73072

FILED IN THE OFFICE
OF THE CITY CLERK
ON 9/11/23

Mr. and Mrs. Arms

5200 Crystal Spring Court
Norman, Ok 73072

September 10, 2023

The city of Norman
Planning and Community
Development Department
201 West Gray, Building A
P.O. Box 73069*73070

Dear Planning Commission, City Council Members and Zoning Department,

My Husband and I are concerned about the problems that may arise if you approve the plans for the Alliance DevelopmentGroup LLC, case # PD23-11. Our first concern is the ecological impact with development of this land. Many forms of wildlife including native deer populations use this as a route between regions, as well as a safe haven during the winter months. This habitat destruction would cause inability of many animals to have their basic needs met including water, shelter, and food. Fragmented ecosystems not only harm the animals but can also cause undesirable effects in the human population. This can include increased interaction between wildlife and humans. This also can increase incidence of exposure to diseases from the local animals. Our next concern is the infrastructure in place would not be able to handle the additional increase in traffic. 36th street as of current is already strained with traffic creating more opportunities for accidents. This includes the many families and unhoused that use 36th street as a way to get from one part of Norman to the other. Their safety has to be a top priority. Our final concern is flooding in the desired build area. For the many years that we have been backed up to this area, we have experienced torrential flooding on this part of the property, which would only be exacerbated by the removal of the natural terrain. The drainage system that would be put in place would most likely not be adequate enough to stop the damage to property and home of both the current residents and the future ones created by this build.

Sincerely yours,

Judy Arms

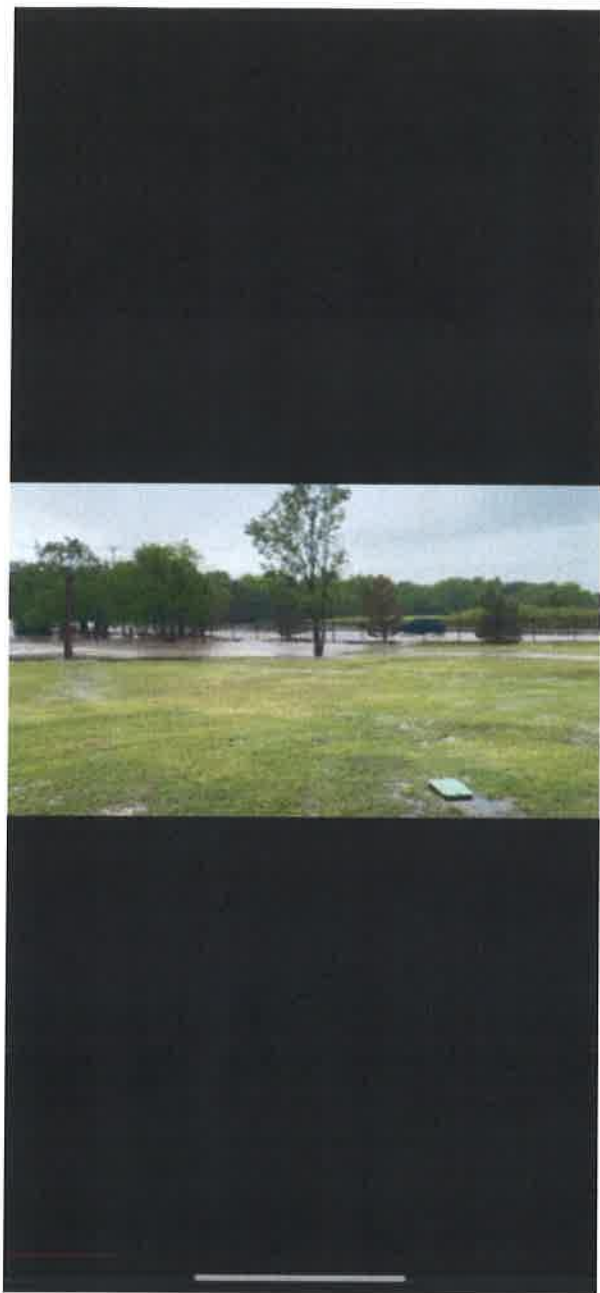
FILED IN THE OFFICE
OF THE CITY CLERK
ON 9/11/23

Judy K. Arms Revocable Trust

A handwritten signature in cursive script, appearing to read "Judy K. Arms".

James L. Arms Revocable Trust

A handwritten signature in cursive script, appearing to read "James L. Arms".



Ramona Belleau Living Trust
 Samuel Belleau
 5201 Crystal Spring Court
 Norman, OK 73072

09/01/2023

The City of Norman
 Planning and Community
 Development Department
 201 West Gray, Building A
 P.O. Box 370
 Norman, OK 73069*73070

Dear Planning Commission, City Council Members and Zoning Department,

The City of Norman has an applicant, Alliance Development Group LLC, with an assigned case number of PD23-11. The developers want the corner of 36th Avenue NW and Franklin Road, currently zoned as an A-2, Rural Agricultural District, to be changed to PUD, Planned Unit Development. We protest against this re-zoning for the proposed use of the land, as drawn by the developers.

We live north of the plat in question, in Crystal Spring Court. The subject tract will be directly behind our backyard. We attended the April 6, 2023 City of Norman Pre-Development Discussion meeting, with many of our Crystal Spring and Carrington Neighbors.

Because we live within 350 feet of the boundary of this plat, we received our notification letter. We are shocked, that so few citizens are required to be notified by the City of Norman, about such a change in zoning that in this case, affects all of NW Norman! For this reason, please keep in mind when you make your decisions, the trust we have placed in our leaders. You as leaders, are in position to serve your citizens and are expected to live up to receiving our votes, by making sound decisions that directly affect all of our lives.

We will work through the Alliance Development Group's vicinity map and point out the developer's ideas and follow with what we find acceptable.

Light Industrial Area

Shown on the map, the developer shows a Light Industrial area along I-35. We are fine with that development along Interstate 35. This is acceptable.

New Street Entrance on 36th Avenue NW

The developer shows a new entry street to the Low Density/Single Family Home area. The new street enters from 36th Avenue NW, just behind our back yard and property line, where we live on Crystal Spring Court. This new street entering from 36th Avenue NW absolutely will not work for us at all. We do not accept the new street entrance drawn in from 36th Avenue NW to the Low Density/Single Family Home area.

FILED IN THE OFFICE
 OF THE CITY CLERK
 ON 9/6/23

For one, the ONLY entrance/exit for our Crystal Spring Addition, enters from 36th Avenue NW. Our Crystal Spring drivers get only a quick chance to exit our addition, as it is now. Traffic is heavy along 36th Avenue NW, all the time. When I-35 has a wreck or other problems, we can't get out of our neighborhood. If there was a need for emergency units in our neighborhood, it would be almost impossible due to the heavy traffic on 36th Avenue NW.

As well, the developer's new street to the Single Family Homes, is in a 100 year Floodplain. Yes, the exact area the developer drew the new street floods heavily during rains. We will share a video we took and kept, just to show you leaders how much the developer's new street will flood. We, who live on the south side of Crystal Spring Addition, are very concerned about the ground work and water drainage work done by new construction. We are worried new construction will lead to our properties becoming flooded.

Additionally, the developer drew in 350 apartments times 2 cars for each that will add 700 new cars along 36th Avenue NW. That does not include all the cars that will be added with the new homes the developer drew in the plat. We have already had fatal wrecks on 36th Avenue NW and on the corner of Franklin Road. This would be increased traffic congestion adding to an already dangerous situation!

Our questions for you leaders; What happened to the funding that the City of Norman voters passed to widen 36th Avenue NW 11 years ago? Why are we even discussing new developments in the area, until 36th Avenue NW has been made into 4 lanes?

Recommendations for New Entry Street to Single Family Homes

We think the new entry street leading to the Single Family Homes should enter from Franklin Road. With a 100 year Floodplain crossing over the entire subject tract, they need to build a bridge for the new street to cross over. The street can enter to the new homes safely.

Low Density/Single Family Homes

The developer, Richard McKown SSLM Development, described his drawing at the City of Norman PD23-11 discussion meeting. Seeing his drawing, we knew the Single Family lots were very small and would accommodate very small homes. McKown would not give us a direct answer as to the square footage of his drawing's homes. We asked multiple times.

Does McKown actually think we don't care about our existing homes/lots and that they maintain their true value with the market? McKown's development in fact directly affects the value of all of our homes in this NW Norman area, one of Norman's most sought after single home areas. We do not want a decrease in the market value of our homes. We believe McKown's development drawing will do exactly that to our home's value. We do not accept the Low Density/Single Family Home area as the developer has drawn.

Recommendations for Low Density/Single Family Homes

We recommend that the Single Family Home lots are made large enough to accommodate new homes on them that are equal square footage, as the existing homes near to them. So, these Single Family Homes, in the subject tract, should be as large as the homes in Crystal Springs Addition and in Carrington. This way all of our homes will be able to maintain their market value.

In our addition, along Crystal Spring Drive, homes average 3000 square foot and larger. In Crystal Spring Court, homes are 4000 square foot and larger. Carrington has smaller homes that are 2500 to 3200 square feet and some much larger. The City of Norman has all these home records and is collecting property taxes reflecting our ownership. Please feel free to verify more exact square footage for these areas.

350 High Rise Apartments on the Corner of 36th Avenue NW and Franklin Road

The developers want to build the most apartments they can on the smallest footprint of land. Everyone understands the developers desire to pocket huge amounts of money from an endeavor such as this! The fact is, our area is saturated with apartments already! Of course, the developers want to put their 350 high rise apartment complex right across the street from the Ruby Grant Park- a long awaited park greatly needed by tax paying citizens, who need a safe place to breathe, exercise and play with their children. We are greatly against building apartments of any kind, anywhere in the subject tract of question and absolutely find this unacceptable.

Along 36th Avenue NW, just north of Crystal Spring Addition, we have the Icon Apartments (256 Units). Along 36th Avenue NW, just to the south of Crystal Spring Addition, we have the Anatole Apartments (171 Units). This development wants 350 high rise apartments built on the corner of 36th Avenue and Franklin Road (350 Units). The total of these 3 apartment complexes in ONLY A 2 MILE AREA, all along 36th Avenue NW equals 777 Apartments! Crystal Spring Addition is in the middle of the 2 mile stretch of 777 apartments, all feeding into 36th Avenue NW! As well, Legacy Trail Apartments, just east of the Walmart Neighborhood Grocery, again is very close to 36th Avenue NW. Also, Cimmaron Trail Apartments are close by on Rock Creek and I-35.

Higher density housing, such as apartment complexes, bring up higher crime rates. We don't want to wake up to police sirens going down our neighboring streets because of apartment disturbances. We want our families to feel safe in their homes and in their back yards. We want our families to enjoy privacy and feel peace.

Also, it doesn't take long for an apartment complex to become run down. In time, the buildings look unkept and wasted looking. Broken down cars are parked along the curbs. Broken down mattresses, old furniture and litter surround apartment buildings.

Beautiful Ruby Grant Park does not need these 350 apartments across the street from it. Neighboring people have found their well being in mind and body at Ruby Grant. Families have enjoyed time with their children in the natural surroundings. Citizens of Norman need to feel safe. Putting 350 apartments just across the street from this beloved park, will in no way allow parents and their children to continue to feel safe.

As well, adding a 350 apartment complex is going to really increase traffic on all streets in this NW area. That is at least 700 more cars traveling to work and school every day. Our surrounding schools are already crowded and they would become even more crowded with this apartment development. How does any of this sound good for the citizens of Norman? We absolutely do not want any apartments on the subject tract land in question- not anywhere on it.

Recommendations for 350 Apartment Complex on Corner of 36th Avenue NW and Franklin Road

The area, now drawn as 350 apartments, could become commercial shopping for Norman. Everyone is always happy to have shopping areas available close by. People, who are visiting Ruby Grant Park might be happy to have easy access to snacks for their children during after school play at the park. Maybe, the area could become office space or medical office space. All would be welcome to proud citizens of the City of Norman.

As well, more Single Family Home lots would be welcome in this area, as long as the lots accommodate homes of similar square footage to surrounding homes in the area, keeping everyone's home value up with the market.

Recommendation for the Entire Tract of Land in Case PD23-11

Another possible suggestion, the City of Norman could purchase the entire tract of land in question. Ruby Grant Park was so needed by Norman residents and Ruby Grant's enjoyment could be expanded with this neighboring tract of land. For years now, CCS School Cross Country Runners have been running on the subject tract in question. Volunteers have been keeping running trails mowed for the children needing a safe area to run on. People and their children need space to breathe, exercise and play. The entire land tract in question is a beautiful piece of land, that could be made to enjoy!

Sincerely,



Ramona Belleau

Ramona Belleau Living Trust



Samuel Belleau



STANDING WITH YOU.

September 11, 2023

The City of Norman
Planning and Community
Development Department
201 West Gray, Bldg. A
P.O. Box 370
Norman, OK 73069-73070

FILED IN THE OFFICE
OF THE CITY CLERK
ON 9/11/23

RE: Notice of Request for Norman 2025 Land Use and Transportation Plan
Amendment and Rezoning
Case Number: PD23-11
Applicant: Alliance Development Group, LLC

Dear Planning Commission, City Council Members and Zoning Department,

I represent Robert Plumlee, Patricia Plumlee and The Patricia Plumlee Revocable Trust, August 17, 2000, which is the owner of the property located at 5231 Crystal Springs Court, Norman, Oklahoma. This property has a legal address of Lot 5, Block 1, Crystal Spring Addition to the City of Norman (hereinafter "The Plumlee Property"). Robert Plumlee is the Trustee of The Patricia Plumlee Revocable Trust, August 17, 2000, and has full authority to sign on its behalf.

The City of Norman has an applicant, Alliance Development Group LLC, with an assigned case number PD23-11. The developers want the corner of 36th Avenue NW and Franklin Road, currently zoned as an A-2, Rural Agricultural District, to be changed to PUD, Planned Unit Development. The Plumlee Property is north of the plat in question.

With regard to the developer's ideas, my clients have the following objections:

- 1) New Street Entrance on 36th Avenue NW

The developer shows a new entry street to the Low Density/Single Family Home area. The new street enters from 36th avenue NW, behind The Plumlee Property's backyard and property line. My clients object to this street as it will be a nuisance and was not a foreseen addition when they purchased The Plumlee Property.

Currently the Crystal Springs addition only has one entrance/exit which connects to 36th Avenue NW. Traffic is often heavy along 36th Avenue NW. Any issue, i.e., wreck or slow down, on I-35 drastically affects the ability to get out of the Crystal Springs Addition. My clients fear that any more traffic along 36th Avenue NW could make it more difficult for first responders and/or EMSA to get to their property, which my clients have required recently.

The developer's new street to the Single Family Homes, is also in a 100-year floodplain. The exact area where the new street will be located floods heavily during rains. My clients are concerned that new groundwork and water drainage work done as part of new construction will adversely affect their property which is currently managed appropriately to reduce flooding risk.

Further, each of the 350 apartments proposed by the developer allows for up to two (2) cars. Once again, this would increase traffic congestion on an already congested area.

My clients believe new developments should not even be considered until, at least, 36th Avenue NW has been turned into a four-lane road.

2) Low Density/Single Family Homes

My clients' understanding of the developer's plans for the Single Family Lots is that they will be very small and accommodate smaller homes. As of this date, my clients do not know the exact minimum/maximum square footage of these proposed homes. Obviously, smaller homes and/or cheaper built homes will adversely affect my clients' property value. Thus, my clients object unless and until more information is shared.

My clients may be willing to withdraw their objection if minimum/maximum square footage information was shared and the size of the proposed lots and homes was adequate to maintain or increase the market value of the homes currently built.

3) 350 Hight Rise Apartments on the Corner of 36th Avenue NW and Franklin Road

It appears that the developers want to build the most apartments they can on the smallest footprint of land. Clearly, this is done to maximize potential profits to the developers. However, my clients believe this area is already saturated with apartments.



15401 N. MAY AVENUE | EDMOND, OK 73013 | (405) 478-3737 | F (405) 513-5005 | www.mndlawfirm.com | www.oklahomainjurylaw.com

Along 36th Avenue NW, just north of Crystal Spring Addition, there is already the Icon Apartments (256 Units). Along 36th Avenue NW, just to the south of Crystal Spring Addition, there is the Anatole Apartments (171 Units). This developer wants 350 more high rise apartments built on the corner of 36th Avenue and Franklin Road. That would be a total of three (3) apartment complexes and 777 apartments within a two (2) mile area. This would place Crystal Spring Addition right in the middle of the two-mile stretch of these 777 apartments, all of which feed into 36th Avenue NW.

Higher density housing, such as apartment complexes, typically come with increased crime and lack of peace for those around. Further, because renters do not have an ownership interest in their property, there is a higher likelihood that apartments will become run down versus homes owned by mortgage-paying citizens.

Respectfully,


Cody J. Roberson


Robert Plumlee


Patricia Plumlee

10 September 2023

Lindsey Jenen
3360 Crystal Spring Dr.
Norman, Ok 73072

Dear Norman Council Members and Zoning Department

We appreciate the opportunity to respond to the Alliance Development Group, L.L. C's request to change the tract located behind my house from Rural Agricultural to PUD, Planned Unit Development and from Medium Density Residential to mixed use to include single family, commercial and multifamily uses. I do not think anyone in my neighborhood has any issue with Medium Density Residential or even the Commercial property that would be located near the I-35 service road. Every home owner in the Crystal Springs addition and the housing additions like Carrington bought property on this side of Norman for the nice clean community environment and in my case larger lots to allow some distance and privacy. From the last developer meeting they talked for 28 minutes of the allotted 30 minutes, leaving us 2 minutes to voice our concerns. Any apartment complex located this close to Carrington and Crystal Spring Addition would lead to a drop in property value for residents along with higher crime rates, busier roadways, and loss of personal privacy to Crystal Spring residents. We don't understand why they can't just build nice houses on this plot of land with larger 1 to 2 acre lots. This is what everyone seems to be looking for in our area and it would keep everyone in the surrounding area happy. I am sure that when Bob Stoops built his mansion, he never thought he would have to look out his front door and see a 3 to 4 story apartment complex across the street from him. This is why we all made the investment to move into the additions in this area, because we assumed the city of Norman would make smart decisions on how they developed the land around us.

List of Nuisances this will bring or add to.

Water drainage and single lane road congestion. We have had several bad wrecks at the intersection of 36th and Franklin Road because of the limited visibility and the running of stop signs traveling from Franklin Road from the I-35 service road towards 36th street. This has

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OF THE CITY CLERK
ON 9/11/23

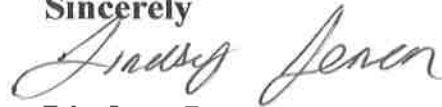
been addressed by adding a stop sign to the drivers traveling down 36th street when the wrecks were caused by people running the stop sign on Franklin Road. This is still a single lane road at Franklin and 36th street. Now you will be adding hundreds more cars to this road just from the apartment building alone. The Tract in question has a very large flood zone the leads over 36th and over it. Water stands on the road showing how bad the water drainage on both sides of the road and on said Track are. I know this is why they want to build apartments on the side facing Ruby Grant Park, because they want to make more money due to the lack of buildable land on this Track in question. Making more money for a builder is not what a city should be focusing on over the wants and needs of its established residents. The entry road to the addition in question is in a flood zone and my concern is damage to my property or others property in Crystal Spring when they break ground and change the water drainage to fit the needs of the new construction.

Crime rates are 7 times higher when you bring in higher density housing apposed to single family dwellings. I am thinking about my family first, but I am also concerned about the property owners near me to include the patrons of Ruby Grant Park, All Saints Catholic School and CCS Christian School that shares a property line with this Track. Apartment buildings are notorious for providing marginal parking provision for tenants and the overflow from this, plus tenant's visitors, puts all available neighborhoods curbside parking under pressure to include parking at Ruby Grant Park. We were told of how high end these apartments will be, but I know that no matter how nice they are now they won't be that nice forever and sooner or later they will attract lower income residents and a higher level of crime. I know that right behind my house will be single family homes, but I also know that once a 3 to 4 story apartment building goes up the days of privacy in my back yard will be over. They will be able to look over whatever wall or fence I try and put up or that the developer puts up on the property line. Everyone in Crystal springs backing up to this new development will have total loss of privacy if you allow them to build apartment buildings.

Why the need for another apartment complex so close to two others that are in the same vicinity? There is already the Icon Apartment Complex off 36th and Indian Hills that is distanced from single family homes. Then you have Anatole at Norman off 36th and Tecumseh, both within two miles of this Track. We are already going to

have the Turnpike come down Indian Hills on one side of us, don't allow them to put another apartment complex right in the middle of one of your most sought-after single-family home areas. Until 36th and Franklin Roads are widened and finished we should not even be talking about construction or re-zoning at all. I don't understand why you would allow them to build lower grade cookie cutter homes in an area just because the developer thinks a 1,200 square foot home is big enough (stated by the developer in our last meeting) when Carrington was an Ideal Homes development, and the lowest square foot was 1,700 or 1,800 square foot up to 3,200. This should be a higher end development built by the Landmark Homes side of Ideal Homes so that the property values of the adjacent homeowners are not affected. I would assume the property taxes of residents near this Track should drop if you allow this to happen because there is no way the current property owners property will still be worth as much as your last two higher adjustments this appraisal year alone.

Sincerely



**Lindsey Jenen
Property Owner,
3360 Crystal Springs Dr.
Norman, Oklahoma 73072**

① Ramona Belleau Living Trust
 Samuel Belleau
 5201 Crystal Spring Court
 Norman, OK 73072

09/01/2023

The City of Norman
 Planning and Community
 Development Department
 201 West Gray, Building A
 P.O. Box 370
 Norman, OK 73069*73070

② Eddie Tang
 Mai Bui
 3330 Crystal Spring Dr
 Norman, OK 73072

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Because we live within 350 feet of the boundary of this plat, we received our notification letter. We are shocked, that so few citizens are required to be notified by the City of Norman, about such a change in zoning that in this case, affects all of NW Norman! For this reason, please keep in mind when you make your decisions, the trust we have placed in our leaders. You as leaders, are in position to serve your citizens and are expected to live up to receiving our votes, by making sound decisions that directly affect all of our lives.

We will work through the Alliance Development Group's vicinity map and point out the developer's ideas and follow with what we find acceptable.

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Shown on the map, the developer shows a Light Industrial area along I-35. We are fine with that development along Interstate 35. This is acceptable.

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The developer shows a new entry street to the Low Density/Single Family Home area. The new street enters from 36th Avenue NW, just behind our back yard and property line, where we live on Crystal Spring Court. This new street entering from 36th Avenue NW absolutely will not work for us at all. We do not accept the new street entrance drawn in from 36th Avenue NW to the Low Density/Single Family Home area.

FILED IN THE OFFICE
 OF THE CITY CLERK
 ON 9/11/23

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350 High Rise Apartments on the Corner of 36th Avenue NW and Franklin Road

The developers want to build the most apartments they can on the smallest footprint of land. Everyone understands the developers desire to pocket huge amounts of money from an endeavor such as this! The fact is, our area is saturated with apartments already! Of course, the developers want to put their 350 high rise apartment complex right across the street from the Ruby Grant Park- a long awaited park greatly needed by tax paying citizens, who need a safe place to breathe, exercise and play with their children. We are greatly against building apartments of any kind, anywhere in the subject tract of question and absolutely find this unacceptable.

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Higher density housing, such as apartment complexes, bring up higher crime rates. We don't want to wake up to police sirens going down our neighboring streets because of apartment disturbances. We want our families to feel safe in their homes and in their back yards. We want our families to enjoy privacy and feel peace.

Also, it doesn't take long for an apartment complex to become run down. In time, the buildings look unkept and wasted looking. Broken down cars are parked along the curbs. Broken down mattresses, old furniture and litter surround apartment buildings.

Beautiful Ruby Grant Park does not need these 350 apartments across the street from it. Neighboring people have found their well being in mind and body at Ruby Grant. Families have enjoyed time with their children in the natural surroundings. Citizens of Norman need to feel safe. Putting 350 apartments just across the street from this beloved park, will in no way allow parents and their children to continue to feel safe.

As well, adding a 350 apartment complex is going to really increase traffic on all streets in this NW area. That is at least 700 more cars traveling to work and school every day. Our surrounding schools are already crowded and they would become even more crowded with this apartment development. How does any of this sound good for the citizens of Norman? We absolutely do not want any apartments on the subject tract land in question- not anywhere on it.

Recommendations for 350 Apartment Complex on Corner of 36th Avenue NW and Franklin Road

The area, now drawn as 350 apartments, could become commercial shopping for Norman. Everyone is always happy to have shopping areas available close by. People, who are visiting Ruby Grant Park might be happy to have easy access to snacks for their children during after school play at the park. Maybe, the area could become office space or medical office space. All would be welcome to proud citizens of the City of Norman.

As well, more Single Family Home lots would be welcome in this area, as long as the lots accommodate homes of similar square footage to surrounding homes in the area, keeping everyone's home value up with the market.

Recommendation for the Entire Tract of Land in Case PD23-11

Another possible suggestion, the City of Norman could purchase the entire tract of land in question. Ruby Grant Park was so needed by Norman residents and Ruby Grant's enjoyment could be expanded with this neighboring tract of land. For years now, CCS School Cross Country Runners have been running on the subject tract in question. Volunteers have been keeping running trails mowed for the children needing a safe area to run on. People and their children need space to breathe, exercise and play. The entire land tract in question is a beautiful piece of land, that could be made to enjoy!

Sincerely,

Ramona Belleau
Ramona Belleau Living Trust
Eddie Tang
Mai Bui
Samuel Belleau

**WESLEY & JENNIFER HUBERT
3300 CRYSTAL SPRING DR.
NORMAN, OKLAHOMA, 73072**

30 August 2023

**Wesley Dean Hubert
Production Controller Lead GS-12-1152
566th AMXS, Tinker AFB
3300 Crystal Spring Dr.
Norman, Ok 73072**

**Jennifer Marie Hubert
Dental Hygienist
Norman Family Dentistry
3300 Crystal Spring Dr
Norman, Ok 73072**

Dear Norman Council Members and Zoning Department

Case number PD23-11

Thank you for allowing us to respond to the Alliance Development Group, L.L. C's request to change the tract located behind my house from Rural Agricultural to PUD, Planned Unit Development and from Medium Density Residential to mixed use to include single family, commercial and multifamily uses. I do not think anyone in my neighborhood has any issue with Medium Density Residential or even the Commercial property that would be located near the I-35 service road. Everyone in my addition and the housing additions like Carrington bought property on this side of Norman for the nice clean community environment and in my case larger acer lots. From the last developer meeting they talked for 28 minutes of the allotted 30 minutes, leaving us 2 minutes to voice our concerns. Any apartment complex located this close to Carrington and Crystal Spring Addition would lead to a drop in property value for residents along with higher crime rates, busier roadways, and loss of personal privacy to Crystal Spring residents. We don't understand why they can't just build nice houses on this plot of land with larger 1 to 2 acre lots. This is what everyone seems to be looking for in our area and it would keep everyone in the surrounding area happy. I am sure that when Bob Stoops built his mansion, he never thought he would have to look out his front door and see a 3 to 4 story apartment complex across the

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street from him. This is why we all made the investment to move into the additions in this area, because we assumed the city of Norman would make smart decisions on how they developed the land around us.

List of Nuisances this will bring or add to.

Water drainage and single lane road congestion. We have had several bad wrecks at the intersection of 36th and Franklin Road because of the limited visibility and the running of stop signs traveling from Franklin Road from the I-35 service road towards 36th street. This has been addressed by adding a stop sign to the drivers traveling down 36th street when the wrecks were caused by people running the stop sign on Franklin Road. This is still a single lane road at Franklin and 36th street. Now you will be adding hundreds more cars to this road just from the apartment building alone. The Tract in question has a very large flood zone the leads over 36th and over it. Water stands on the road showing how bad the water drainage on both sides of the road and on said Track are. I know this is why they want to build apartments on the side facing Ruby Grant Park, because they want to make more money due to the lack of buildable land on this Track in question. Making more money for a builder is not what a city should be focusing on over the wants and needs of its established residents. The entry road to the addition in question is in a flood zone and my concern is damage to my property or others property in Crystal Spring when they break ground and change the water drainage to fit the needs of the new construction.

Crime rates are 7 times higher when you bring in higher density housing apposed to single family dwellings. I am thinking about my family first, but I am also concerned about the property owners near me to include the patrons of Ruby Grant Park, All Saints Catholic School and CCS Christian School that shares a property line with this Track. Apartment buildings are notorious for providing marginal parking provision for tenants and the overflow from this, plus tenant's visitors, puts all available neighborhoods curbside parking under pressure to include parking at Ruby Grant Park. We were told of how high end these apartments will be, but I know that no matter how nice they are now they won't be that nice forever and sooner or later they will attract lower income residents and a higher level of crime. I know that right behind my house will be single family homes, but I also know that once a 3 to 4 story apartment building goes up the days of privacy in my back yard will be over. They will be able to look over whatever wall or fence I try and put up or that the developer puts up on the property line. Everyone in Crystal

springs backing up to this new development will have total loss of privacy if you allow them to build apartment buildings.

Why the need for another apartment complex so close to two others that are in the same vicinity? There is already the Icon Apartment Complex off 36th and Indian Hills that is distanced from single family homes. Then you have Anatole at Norman off 36th and Tecumseh, both within two miles of this Track. We are already going to have the Turnpike come down Indian Hills on one side of us, don't allow them to put another apartment complex right in the middle of one of your most sought-after single-family home areas. Until 36th and Franklin Roads are widened and finished we should not even be talking about construction or re-zoning at all. I don't understand why you would allow them to build lower grade cookie cutter homes in an area just because the developer thinks a 1,200 square foot home is big enough (stated by the developer in our last meeting) when Carrington was an Ideal Homes development, and the lowest square foot was 1,700 or 1,800 square foot up to 3,200. This should be a higher end development built by the Landmark Homes side of Ideal Homes so that the property values of the adjacent homeowners are not affected. I would assume the property taxes of residents near this Track should drop if you allow this to happen because there is no way the current property owners property will still be worth as much as your last two higher adjustments this appraisal year alone.

Sincerely

Wesley Dean Hubert
Property Owner,
3300 Crystal Springs Dr.
Norman, Oklahoma 73072
100% Disabled Iraq War Veteran

Jennifer Hubert 08-30-2023

Wesley Hubert 08-30-2023

Fnu Suriamin
 3808 Canonbury Road
 Norman, OK 73072
 +14054029008

September 5, 2023

Planning Commission
 City of Norman
 Norman, OK 73069

Re: Vigorous Opposition to the Requested Amendment to Norman 2025 Land Use and Transportation Plan - Alliance Development Group, LLC (Case #PD23-11)

Dear Esteemed Members of the Planning Commission,

I hope this letter finds you well. I write to express my unwavering and resolute opposition to the proposed amendment to the Norman 2025 Land Use and Transportation Plan, submitted by Alliance Development Group, LLC. As a property owner within 350 feet of the affected land, I hold serious reservations about the disastrous implications this project would inflict upon my neighborhood and our cherished community.

I understand the significance of responsible urban development; however, I am convinced that the proposed project, in its current form, represents a grave misjudgment that threatens the very essence of our neighborhood's character and well-being. My objections to this amendment are not mere concerns; they are clear and compelling reasons why it should be categorically rejected:

1. **Reckless Density and Traffic Havoc:** The proposed development, incorporating apartments, commercial complexes, light industrial facilities, and offices, demonstrates a complete disregard for the well-being and safety of our community. The resultant surge in population density will undoubtedly plunge our streets into utter chaos, posing a severe threat to the safety of residents, particularly children and the elderly.
2. **Noise Pollution and Environmental Peril:** Introducing commercial and industrial elements into an area predominantly zoned for residential purposes is a recipe for disaster. The accompanying noise pollution, air pollution, and potential environmental hazards could undermine the health and tranquility of our community.
3. **Plummeting Property Values:** There is no doubt that the presence of commercial and industrial structures in close proximity would lead to a devastating decline in property values for residents in our neighborhood. This could cause severe financial harm to those of us who have invested our hard-earned savings in our homes.
4. **Architectural Dissonance and Community Dismantlement:** The proposed development is fundamentally incongruent with the architectural and aesthetic essence of our beloved neighborhood. It threatens to erode the unique character that has endeared our community to all its residents.
5. **Infrastructure Overwhelm:** Our current infrastructure is ill-equipped to shoulder the additional burdens this development would impose. The strain on utilities, sewage systems, and road maintenance will necessitate substantial taxpayer investment and compromise the quality of life we currently enjoy.

FB

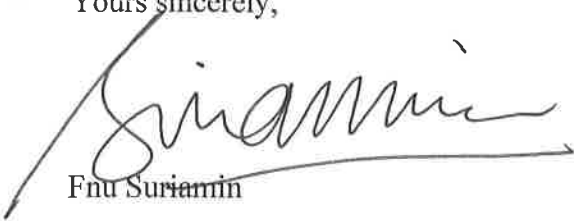
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 OF THE CITY CLERK
 ON 9/11/23-2W

I implore the Planning Commission to heed the impassioned pleas of the residents directly affected by this ill-conceived proposal. We are united in our conviction that preserving the sanctity of our neighborhood and safeguarding the quality of life we cherish must be paramount.

In the strongest terms, I urge you to categorically and unequivocally reject the proposed amendment to the Norman 2025 Land Use and Transportation Plan submitted by Alliance Development Group, LLC. I have full faith in your wisdom to act in the best interests of our community, upholding its values and its promise for a prosperous and harmonious future.

Thank you for your attention to this matter. We, the concerned residents, await your decisive and principled decision.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Fnu Suriamin". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Fnu Suriamin

September 11, 2023

City of Norman
Planning and Community Development Dept.
201 West Gray, Building A
PO Box 370
Norman, Oklahoma 73069

Gary Armbruster L-Rev TRT-UND 50 P/C INT
3500 Crystal Spring Drive
Norman, Oklahoma 73072

To Whom It May Concern:

We are sending this protest letter for the multi-family apartments and single-family homes proposed to be located on the NE corner of 36th Avenue NW and Franklin Road. I believe the case number is PD23-11 We are opposed to this development for the following reasons:

- The traffic in this area is horrible and City of Norman voters approved the widening of this roadway over 11 years ago and this has never been done. Currently there is no funding in place for this widening either. Until this area receives the road widening that is desperately needed and approved by Norman voters, we will be opposed to any future developments in this area. Traffic overflows onto NW 36th whenever I-35 is backed up and there are times we can't even get out of our neighborhood. All of this development will only worsen the already bad traffic in this area.
- Flooding is a major issue as most of the proposed site and roadway on NW 36th is in a flood plain. It doesn't take much rain to completely flood NW 36th and this is a typical occurrence. I can't imagine how bad the flooding will be when a piece of undeveloped land is turned into 350 apartments and single-family homes that will affect the runoff greatly. We are all concerned that this flooding will continue to back up onto our properties.

Thank you for this consideration of protest and to not approve the developers request,

Gary Armbruster



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OF THE CITY CLERK
ON 9/11/23

Gerald + Deborah Younger
3451 Crystal Spring Dr.
Norman, OK 73072

Item 37.

The City of Norman
Planning and Community
Development Department
201 West Gray, Building A
P.O. Box 370
Norman, OK 73069 73070

Dear Planning Commission, City
Council Members and Zoning Department,

The City of Norman has an applicant,
Alliance Development LLC, case
number of PD23-11.

We are wanting to Protest
the development that's being
planned for the Corner of
36th Avenue NW and Franklin Road.
We have a Neighborhood of
High End Homes. What they are
proposing are small homes
and a Apartment Complex of 350
units. I believe this will bring
our Property values down.

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ON 9/11/23

576

We have one way in and
one way out of our Neighborhood,
so we go in and out on 36th
which can get congested at
times and have had some
Bad Accidents with fatalities

Thank You
Gerald + Deborah
Younger

From: Gary Rayburn
3201 Crystal Springs Drive
Norman, Oklahoma 73072

TO: City of Norman
Planning and Community Development Dept.
201 West Gray, Building A
PO Box 370
Norman, Ok 73069

In regard to Case PD23-11, proposed rezoning near 36th Avenue NW and Franklin Road, I stand in protest.

Rezoning this property as proposed would negatively impact this overall general area of Norman for numerous reasons, including but not limited to:

Traffic, it is already a very busy area with the bottleneck going from 4 lanes to 2 going north from this intersection.

Ruby Grant Park is a great park for this area and rezoning in such close proximity would negatively impact the current usage intentions of the investment made by the City in the first place. The possibility of crime and drug activity at the Park would increase exponentially with the possibility of multi-family housing / apartments directly across the street. The wonderful aesthetics of the Park would be traumatized as well.

Rezoning this area could set a precedent going forward and invite potential legal action if a similar case is denied, costing the City substantial legal fees to defend future decisions.

There are several environmental concerns that cannot easily be overcome.

These are just a few of the reasons that this Request for Rezoning should be DENIED!

Sincerely,



Gary L. Rayburn

-ILED IN THE OFFICE
OF THE CITY CLERK
ON 9/11/23

Kendra and Justin Goodwin
4404 Pennington Ct.
Norman, OK 73072

09/01/2023

The City of Norman
Planning and Community
Development Department
201 West Gray, Building A
PO. BOX 370
Norman, OK 73069*73070

Dear Planning Commission, City Council Members and Zoning Department,

This is regarding the Alliance Development Group LLC, case number of PD23-11. My wife and I have been notified about the development(s) that are being discussed near our neighborhood in Carrington place. Even though we were not notified with a letter, due to our distance from these developments, the developments are very much a concern for us and possibly others living within a mile radius.

Our house is located on Pennington Court, which is the first street in the Carrington Places addition located off of 36th Ave NW, south of Franklin Road. Since the development of the Ruby park, and the other new developments in our area, the traffic has become a nightmare. Recently, a 4-way stop sign was placed on the corner of Franklin and 36th NW Ave, which may have been necessary due to speeding vehicles and wrecks, has caused more of a traffic issue. Our street is a cul-de-sac, which is already used as a turn-a-round or a parking lot for people walking to the park, or stopping for other reasons. The Carrington facebook page is already saturated with complaints of speeding cars and criminal activity, which will both increase with a higher population. Also, when I-35 is congested, this is the recommended route for detours. With that said, the approval for street widening has not been approved and will take years to

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ON 9/6/23

approve and develop. All the roads nearby that will be a part of this development and the development on the west side of 36th will need to be improved, not to mention the flooding issues that 36th NW Ave has already, just north of Franklin.

The developer has an image of a community that not only has a 3-4 story 350 unit apartment, but homes being developed in a flood zone with one entrance going in and out, which from his plans, was placed directly where the flooding occurs. Crystal Springs also only has one entrance. I believe the developer made a mistake by purchasing this land and did not realize his loss until it was too late, and in an effort to get as much profit as possible, he decided to over-populate the area by putting high rises and small lots/homes. In the previous meeting, the developer was not forthcoming about the lot or home sizes, but made an estimate of the home sizes, which were not comparable to the home sizes nearby. I do not believe the concerns that are being argued are that the land is being developed, it's the fact that these issues could potentially devalue homes and cause major congestion issues until streets are upgraded.

One last concern, Norman is a great place to live, but lately I have noticed the increase in empty buildings, shopping centers and companies going out of business, leaving empty buildings. In this same proposal, there are plans for businesses. Are these going to be self-sustaining businesses, or are they going to be empty wasteful areas that just cause taxpayers more money to maintain? Please keep this information in mind when approving this development and make sure that this is thoughtfully planned out, as I feel the developer is not interested in the community, but to destroy perfectly good land for profit and destroy others interests in the process.

Thank you for your time,

Kendra and Justin Goodwin

Kendra Goodwin





CITY OF NORMAN, OK PLANNING COMMISSION MEETING

Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069
Thursday, September 14, 2023 at 7:00 PM

MINUTES

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 14th day of September, 2023.

Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <https://norman-ok.municodemeetings.com> at least twenty-four hours prior to the beginning of the meeting.

Chair Erica Bird called the meeting to order at 7:00 p.m.

ROLL CALL

PRESENT

Cameron Brewer
Steven McDaniel
Liz McKown
Erica Bird
Douglas McClure
Jim Griffith
Maria Kindel

ABSENT

Kevan Parker
Michael Jablonski

A quorum was present.

STAFF PRESENT

Jane Hudson, Planning Director
Lora Hoggatt, Planning Services Manager
Melissa Navarro, Planner II
Roné Tromble, Admin. Tech. IV
Beth Muckala, Assistant City Attorney
David Riesland, Transportation Engineer
Todd McLellan, Development Engineer
Bryce Holland, Multimedia Specialist

Franklin Woods 2025, PUD & Preliminary Plat

11. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Resolution No. R-2324-11: Alliance Development Group, L.L.C. requests amendment of the NORMAN 2025 Land Use & Transportation Plan from Future Urban Service Area to Current Urban Service Area and from Medium Density Residential Designation to Mixed Use Designation and removal of Special Planning Area 5 for 60.4801 acres of property generally located at the Northeast corner of 36th Avenue N.W. and Franklin Road.

ITEMS SUBMITTED FOR THE RECORD:

1. NORMAN 2025 Map
2. Staff Report

12. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Ordinance No. O-2324-1: Alliance Development Group, L.L.C. requests rezoning from A-2, Rural Agricultural District, to PUD, Planned Unit Development, for 60.4801 acres of property generally located at the Northeast corner of 36th Avenue N.W. and Franklin Road.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. PUD Narrative with Exhibits A-E
4. Pre-Development Summary

13. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Preliminary Plat PP-2324-5: Consideration of a Preliminary Plat submitted by Raven Investments, L.L.C. (SMC Consulting Engineers, P.C.) for FRANKLIN WOODS, A Planned Unit Development for 60.4801 acres of property generally located at the Northeast corner of 36th Avenue N.W. and Franklin Road.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Development Plan
6. Request for Variance in Cul-de-sac Length

PRESENTATION BY STAFF: Ms. Hoggatt reviewed the staff report, a copy of which is filed with the minutes. There is 17.4% protest within the notification area.

Ms. Bird asked the speed limit on 36th Avenue N.W. and Franklin Road in this area. Ms. Hoggatt responded it is 40 mph.

PRESENTATION BY THE APPLICANT:

Gunner Joyce, Rieger Law Group, representing the applicant, introduced the development team: Richard McKown, Alliance Development Group; Chris Anderson, SMC Consulting Engineers; and B.J. Hawkins, TEC. He presented the project.

Richard McKown, 4409 Cannon Drive, provided additional information on the apartment portion of the project.

Mr. Joyce reported on the meetings with Greenbelt Commission and Parks Board. This project requires a full TIA, which was done.

Mr. Brewer noted the protest letters had discussion about flooding concerns. Mr. Joyce responded and noted that 45% of the area will remain open space. They went through the Floodplain Permit Committee and got approval for the roadway that crosses through the floodplain. Chris Anderson explained how the plans address water concerns.

Mr. Brewer asked about safe pedestrian connectivity. Mr. McKown responded.

AUDIENCE PARTICIPATION:

Patrick Schrank, 1309 Rebecca Lane, spoke in support.

Wes Hubert, 3300 Crystal Spring Drive, expressed concerns, including his property value, use of Ruby Grant Park, flooding of the road, and concern that the park will be used for overflow parking.

Ramona Blue, 5201 Crystal Spring Court, spoke in opposition, with concerns about the size of the lots, the size of the homes, duplexes, the number of apartments in a 2 mile stretch on 36th Avenue N.E. and the impact on home values.

James Arms, 5200 Crystal Spring Court, showed a photo of the flooding behind his house. He was concerned the development will result in additional flooding issues.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Ms. Bird asked about duplexes. Mr. Joyce responded the proposal does not contain duplexes, but they would have been allowed under the current NORMAN 2025 designation.

Ms. Bird asked about lot sizes and home sizes. Mr. McKown responded the lots will be 7,200 sq. ft. and larger, and the homes will cost \$450,000 to \$500,000. The entire primary street is a divided boulevard.

Ms. Bird commented that she would like to see the developer have a meeting with the neighbors. Mr. McKown said they would be happy to meet with them.

Mr. Brewer commented that this project is a reduction in density from what is called for in the NORMAN 2025. The project has lower density on the north side, adjacent to Crystal Springs, and higher density on the south side, which encourages park use. He likes the ADUs that provide for aging in place. He encouraged the developer to meet with the neighbors to the north, and also to look at the flooding issues.

Ms. Bird commented that City Council might also benefit from a report on the status of 36th Avenue N.W. widening.

Ms. Kindel commented that she likes how much green space is included in the project. She is concerned with traffic and flooding.

Motion made by Griffith, seconded by McClure, to recommend adoption of Resolution No. R-2324-11, Ordinance No. O-2324-1, and PP-2324-5 to City Council.

Voting Yea: Brewer, McDaniel, Bird, McClure, Griffith, Kindel

The motion to recommend adoption of Resolution No. R-2324-11, Ordinance No. O-2324-1, and PP-2324-5 to City Council passed by a vote of 6-0.

Ms. McKown resumed her seat.

*

ORDINANCE NO. O-2324-1

ITEM NO. 12

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Alliance Development Group, L.L.C.
REQUESTED ACTION	Rezoning to PUD, Planned Unit Development District
EXISTING ZONING	A-2, Rural Agricultural District
SURROUNDING ZONING	North: RE, Residential Estate Dwelling District East: A-2, Rural Agricultural District, and Planned Unit Development No. O-1920-48 South: PL, Park Land District West: Planned Unit Development No. O-0910-14, and A-2, Rural Agricultural District
LOCATION	Northeast corner of 36 th Avenue N.W. and W. Franklin Road
WARD	3
CORE AREA	No
AREA/SF	60.4801 acres more or less
PURPOSE	Mix of residential, commercial, office, and industrial uses
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Single-Family Residential East: Vacant South: Ruby Grant/Vacant West: Vacant
LAND USE PLAN DESIGNATION	Medium Density Residential with Special Planning Area 5

PROPOSED LAND USE DESIGNATION	Mixed Use Designation
GROWTH AREA DESIGNATION	Future Urban Service Area
PROPOSED GROWTH AREA DESIGNATION	Current Urban Service Area

PROJECT OVERVIEW: The applicant, Alliance Development Group, L.L.C., is requesting rezoning to a Planned Unit Development, PUD, for approximately 60.5 acres on the northeast corner of 36th Avenue N.W. and W. Franklin Rd. The subject property is currently zoned A-2, Rural Agricultural District. The applicant requests this rezoning to allow for a mix of uses, including single-family residential, multi-family, commercial, office, and industrial uses.

PROCEDURAL REQUIREMENTS:

GREENBELT COMMISSION MEETING: GBC23-19, August 23, 2023

The commission discussed that there needs to be a safe way for children in Carrington and this proposed development, Franklin Woods, to get to the park until the expansion of 36th is completed. They felt that the best solution for this would be a trail sidewalk system.

Richard McKown said that he felt confident that he could get his investors to agree to this if the Norman Parks and Recreation Department agreed as well. They, the Green Belt Commission, wanted to include a note to the Parks Department stating that if they, the developer of Franklin Woods, extend a trail sidewalk system 8 feet wide minimum, going along the east side of 36th, to the North side of the intersection at Franklin Road, that the park will meet them with the other part of it sidewalk, including opening up the cable border fence to make a proper pedestrian connection.

If the parks department extends its portion of the sidewalk out to the intersection, the Carrington development will also place a smaller, temporary sidewalk, connecting the existing sidewalk on the south side of Franklin Road, roughly 600 feet west of 36th Ave.

(Staff Note: The above discussion involves the Parks Department and they were not at the Greenbelt meeting. At this point nothing has been approved or negotiated. The preliminary plat for this application includes sidewalks along the east side of 36th Avenue N.W., the north side of W. Franklin Road and the west side of N. Interstate Drive. The intersection of 36th Avenue N.W. and W. Franklin Road is currently a four-way stop with no crosswalks. There are no existing sidewalks on the south side of W. Franklin Road or along 36th Avenue N.W. adjacent to Ruby Grant Park.)

PRE-DEVELOPMENT MEETING: PD23-11, April 27, 2023

The neighbors attending were concerned with traffic increase because of the very high density and the fact that there will be access to the dwellings from 36th Avenue, drainage and flooding issues, lack of school capacity for new residents, maintenance, and long-term management for the apartment complex. The neighbors brought up the existence of three other apartment complexes in the area, which they consider already have increased traffic in the neighborhood.

In discussion with the applicant, the neighbors felt better knowing the project details but are still concerned about the traffic, high-density issues, and long-term use of the apartments. The applicant will consider additional access over N. Interstate Dr. The neighbors intend to attend the Planning Commission meeting.

BOARD OF PARKS COMMISSIONERS, September 7, 2023

Parks staff recommended to support the developer's request to provide a fee-in-lieu of park land to be utilized at Castlerock Park, located between the Carrington and Castlerock neighborhoods. Vote was unanimous for fee-in-lieu by a vote of 6-0.

ZONING ORDINANCE CITATION:**SEC. 36-509 – PLANNED UNIT DEVELOPMENT**

1. Statement of Purpose. It is the intent of this section to encourage developments with a superior built environment brought about through unified development and to provide for the application of design ingenuity in such developments while protecting existing and future surrounding areas in achieving the goals of the comprehensive plan of record. The "PUD" Planned Unit Development district herein established is intended to provide for greater flexibility in the design of buildings, yards, courts, circulation, and open space than would otherwise be possible through the strict application of other district regulations. In this way, applicants may be awarded certain premiums in return for assurances of overall planning and design quality, or which will be of exceptional community benefit and which are not now required by other regulations. By permitting and encouraging the use of such procedures, the Planning Commission and City Council will be able to make more informed land use decisions and thereby guide development more effectively in the best interest of the health, safety, and welfare of the City.

Specifically, the purposes of this section are to encourage:

- (a) A maximum choice in the types of environment and living units available to the public.
- (b) Provision of more usable and suitably located open space, recreation areas, or other common facilities than would otherwise be required under conventional land development regulations.
- (c) Maximum enhancement and minimal disruption of existing natural features and amenities.
- (d) Comprehensive and innovative planning and design of diversified developments which are consistent with the City's long range plan and remain compatible with surrounding developments.
- (e) More efficient and economic use of land resulting in smaller networks of utilities and streets, thereby lowering costs.
- (f) Preparation of more complete and useful information which will enable the Planning Commission and City Council to make more informed decisions on land use.

The PUD (Planned Unit Development) Regulations are designed to provide for small and large scale developments incorporating a single type or a variety of residential, commercial, industrial and related uses which are planned and developed as a unit. Such development may consist of individual lots, or it may have common building sites. Private or public common land and open space must be an essential, major element of the development which is related to, and affects, the long term value of the homes and other development. A Planned Unit Development shall be a separate entity with a distinct character that respects and harmonizes with surrounding development.

STAFF ANALYSIS: The particulars of this PUD include:

USE: The PUD Narrative includes an extensive list of uses in Exhibit D. These are arranged in order of increasing density of allowable uses for Low Density/Single Family Residential, Apartment Multifamily, and Commercial.

OPEN SPACE: The applicant proposes 27 acres of green space, which is approximately 45% of open space throughout the development.

SITE PLAN/ACCESS: The proposed site development plan includes 350 apartments on the corner of 36th Avenue N.W. and W. Franklin Road. There are two access points for the apartments; one off 36th Avenue N.W. and one off W. Franklin Road. There is another access point to the north of the development off 36th Avenue N.W., which will provide access to 47 residential lots. There are two proposed access points off N. Interstate Drive, which provide access to the commercial portion of the development. The commercial area includes three buildings and proposed parking.

LANDSCAPING: Landscaping will be provided according to Section 36-551, Landscaping Requirements for Off-Street Parking Facilities.

SIGNAGE: The signage for each individual lot in the development will comply with Norman's applicable signage restrictions, contained in Chapter 28 of the City of Norman's Code of Ordinances, for low density residential, multi-family residential, industrial, office, or commercial properties, depending on the actual use of the site.

LIGHTING: All exterior lighting in the Apartment Multifamily and Commercial portions of the development will be installed in conformance with Section 36-549, Commercial Outdoor Lighting Standards.

SANITATION/UTILITIES: The Apartment Multifamily and Commercial portions of the development will include on-site dumpsters to handle trash. The single-family lots will utilize polycarts.

PARKING: Parking will meet or exceed the City's applicable parking ordinances. There are currently no minimum parking requirements.

SIDEWALKS: Sidewalks will be provided along all public street frontages, including interior streets.

HEIGHT: The commercial portion of the property has no height limit. The Apartment Multifamily portion has a height limit of four stories.

PHASING: It is anticipated that the Property will be developed in multiple phases. The actual timing and number of development phases will be determined by various factors outside of the Applicant's control, including, but not limited to, market demand and absorption rates.

EXISTING ZONING: The existing zoning for the subject property is A-2, Rural Agricultural District. The A-2 District allows for single-family residential and agricultural uses, such as barns, raising of farm animals, and agricultural crops. Commercial and multifamily residential is not allowed in A-2.

ALTERNATIVES/ISSUES:

IMPACTS: The proposed uses will be more intense than the existing use of the property. However, City Staff does not anticipate negative traffic impacts.

OTHER AGENCY COMMENTS:

FIRE DEPARTMENT: No comments

PUBLIC WORKS/ENGINEERING: Please see the attached staff report regarding the preliminary plat. A variance to the allowed length of a cul-de-sac has been requested. Any work proposed in the floodplain must obtain a Floodplain Permit before any work may commence.

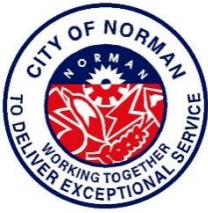
TRAFFIC ENGINEER: Please see the attached Development Review Form for Transportation Impacts from the City's Traffic Engineer.

UTILITIES: Payback/recoupment will be required for the frontages along 36th Avenue and Franklin Road for the Oklahoma City Water Line and Ruby Grant Water Line payback projects, respectively. Payment can be calculated upon request by the owner but will be required prior to approval of the final plat. No comments regarding sanitary sewer. Dumpster locations and orientations to be revised at final platting stages.

CONCLUSION: Staff forwards this request for rezoning from A-2, Rural Agricultural District, to a PUD, Planned Unit Development, and Ordinance No. O-2324-1 to the Planning Commission for consideration and recommendation to City Council.

File Attachments for Item:

38. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF PP-2324-5: A PRELIMINARY PLAT FOR FRANKLIN WOODS ADDITION, A PLANNED UNIT DEVELOPMENT. (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF 36TH AVENUE NW AND WEST FRANKLIN ROAD).



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: Ken Danner, Subdivision Development Manager

PRESENTER: Shawn O'Leary, Director of Public Works

TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF PP-2324-5: A PRELIMINARY PLAT FOR FRANKLIN WOODS ADDITION, A PLANNED UNIT DEVELOPMENT. (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF 36TH AVENUE NW AND WEST FRANKLIN ROAD).

BACKGROUND:

This item is a preliminary plat for Franklin Woods Addition, a Planned Unit Development located at the northeast corner of the intersection of 36th Avenue N.W. and West Franklin Road. This property consists of 60.48 acres. There are 47 proposed single-family lots, 1 large apartment lot and 3 commercial lots, plus several open space areas to be maintained by a Property Owners Association within the property. There is an oil well on the property in the area of the apartments. The oil well will be removed and plugged before the apartment property develops. The Norman Board of Parks Commissioners, at its meeting of September 7, 2023, recommended fee in lieu of park land for Franklin Woods Addition, a Planned Unit Development. Planning Commission, at its meeting of September 14, 2023, recommended approval of amending the NORMAN 2025 Land Use and Transportation Plan from Future Urban Service Area to Current Urban Service Area and from Medium Density Residential Designation to Mixed Use Designation and removal of Special Planning Area 5 and approval of Ordinance No. O-2324-1 placing this property in the PUD, Planned Unit Development and removing it from a-2, Rural Agricultural District. In addition, Planning Commission recommended approval of the preliminary plat for Franklin Woods Addition, a Planned Unit Development.

DISCUSSION:

The proposed development, which includes 350 multifamily apartment units, 47 single-family residential lots, and approximately 30,185 square feet of small retail or office space, is expected to generate approximately 4,328 trips per day, 228 AM peak hour trips, and 392 PM peak hour trips. Obviously being above the threshold for when a traffic impact study is required (>100 peak hour trips is the threshold), the developer submitted a traffic impact analysis documenting the trip generation information for this addition as well as a discussion regarding the proposed driveway relative to existing streets and/or driveways along 36th Avenue NW. On behalf of the

developer, TEC submitted the traffic impact analysis. No traffic operational issues are anticipated due to the development.

STREET	NO. OF LANES	BACKGROUND TRAFFIC (Veh/day)	PROJECTED TRAFFIC (Veh/day)	TOTAL PROJECTED TRAFFIC (Veh/day)	ROADWAY CAPACITY L.O.S. "E"	% CAPACITY USED (EXISTING)	% CAPACITY USED (PROJECTED)
36 th Avenue NW	2*	6,600	1,896**	8,496	17,100	38.60	49.68
Franklin Road	2	2,200	928**	3,128	17,100	12.87	18.29
N. Interstate Drive	2	7,400	1,504	8,904	17,100	43.27	52.07

*36th Avenue NW is proposed, as part of the City's 2012 Transportation Bond Program, to be widened from 2 lanes to 4 lanes, pending federal grant funding.

**Multifamily Housing Trip Generation driveway split is 60% on 36th Avenue NW and 40% on Franklin Road.

The proposed development will have five access points, the multifamily development access is proposed via one full-access driveway on 36th Avenue NW and one full-access driveway on Franklin Road, the single-family development would have one full-access public street connection on 36th Avenue NW, and the retail/office development would have two full-access driveways on N. Interstate Drive. Capacity exceeds demand in this area. As such, no additional off-site improvements are anticipated.

While no negative traffic impacts are anticipated, an assessment of impact fees was previously established in an earlier traffic study at \$194.66 per PM peak hour trip for a series of future traffic signals on 36th Avenue NW intersecting Indian Hills Road and Franklin Road. As a result, \$6,625.39 in traffic impact fees for these two intersections on 36th Avenue NW will need to be collected with the filing of the Final Plat.

Public improvements for this property consist of the following:

- 1. Fire Hydrants.** Fire hydrants will be installed in accordance with approved plans and City standards. Their locations have been approved by the Fire Department. Larger lots may require additional fire hydrants with final platting.
- 2. Drainage.** Storm water and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Runoff will be conveyed to several proposed privately-maintained detention facilities.
- 3. Sanitary Sewers.** Sanitary sewer mains will be installed to serve the property. They will connect to the existing northwest sanitary sewer interceptor.

4. **Sidewalks**. Sidewalks will be constructed adjacent to Franklin Road, Interstate Drive and 36th Avenue N.W. Sidewalks will be constructed adjacent to interior streets and open space areas.
5. **Streets**. Interstate Drive is existing. Franklin Road will be constructed in accordance with City paving standards. Thirty-sixth Avenue N.W. will be constructed in accordance with the 36th Avenue Bond Project. With final platting of the property fronting 36th Avenue N.W., staff will recommend deferral of street and sidewalk improvements. The engineer for the applicant has made a request for a variance in the cul-de-sac length for Redbrick Drive.
6. **Water Mains**. A twelve-inch (12") water main is existing adjacent to Franklin Road and a portion of Interstate Drive. A 12-inch (12") water main will be installed for property fronting Interstate Drive. There is an existing twenty-four-inch (24") water main adjacent to 36th Avenue N.W.
7. **WQPZ**. The proposed open spaces contain WQPZ (Water Quality Protection Zone). With final platting, these areas will be controlled by easements and covenants.
8. **Flood Plain**. There is flood plain within the property. There is no flood plain located within the residential properties. The Flood Plain Permit Committee approved Flood Plain Permit No. 687 on August 21, 2023 for the proposed street crossing the flood plain east of 36th Avenue N.W.
9. **Public Dedications**. All rights-of-way and easements will be dedicated to the City with final platting.

STAFF RECOMMENDATIONS:

Based upon the above information, staff recommends approval of the preliminary plat for Franklin Woods Addition, a Planned Unit Development and variance in the cul-de-sac length since Redbrick Drive will be built as a four lane divided boulevard providing multiple lanes in case of a street blockage.

ITEM: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF PRELIMINARY PLAT FOR FRANKLIN WOODS ADDITION, A PLANNED UNIT DEVELOPMENT AND A VARIANCE IN THE CUL-DE-SAC LENGTH FOR REDBRICK DRIVE.

LOCATION: Located at the northeast corner of the intersection of 36th Avenue N.W. and West Franklin Road.

INFORMATION:

1. Owners. Raven Investments, L.L.C.
2. Developer. Alliance Development Group, L.L.C.
3. Engineer. SMC Consulting Engineers, P.C.

HISTORY:

1. Refer to the Planning Commission Staff Report, September 14, 2023.
2. September 7, 2023. The Norman Board of Parks Commissioners, on a vote of 6-0, recommended fee in lieu of park land for Franklin Woods, a Planned Unit Development.
3. September 14, 2023. Planning Commission, on a vote of 6-0, recommended amending the NORMAN 2025 Land Use and Transportation Plan from Future Urban Service Area to Current Urban Service Area and from Medium Density Residential Designation to Mixed Use Designation and removal of Special Planning Area 5.
4. September 14, 2023. Planning Commission, on a vote of 6-0, recommended placing this property into the PUD, Planned Unit Development and removing it from A-2, Rural Agricultural District District.
5. September 14, 2023. Planning Commission, on a vote of 6-0 recommended to City Council that the preliminary plat for Franklin Woods Addition, a Planned Unit Development be approved with a variance in the cul-de-sac length for Redbrick Drive.

IMPROVEMENT PROGRAM:

1. Refer to the Planning Commission Staff Report, September 14, 2023.

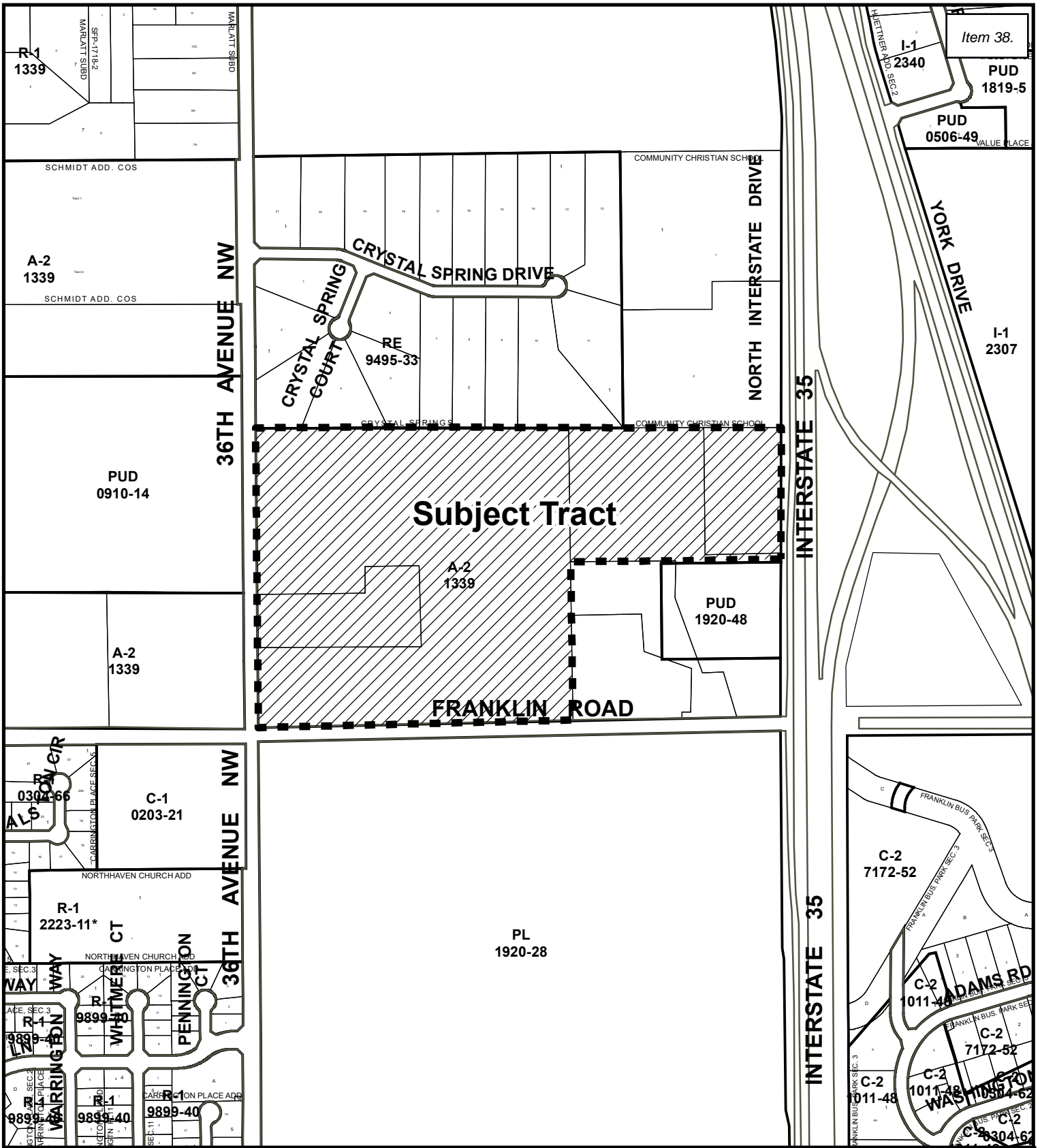
PUBLIC DEDICATIONS:

1. Refer to the Planning Commission Staff Report, September 14, 2023.

SUPPLEMENTAL MATERIAL: Copies of an advisory memorandum, location map, preliminary site development plan, preliminary plat, plat Staff report recommending approval, and pertinent excerpts from the Planning Commission minutes are included in the Agenda Book.

ACTION NEEDED: Motion to approve or reject the preliminary plat for Franklin Woods Addition, a Planned Unit Development.

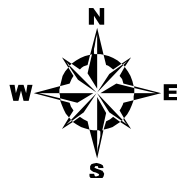
ACTION TAKEN: _____



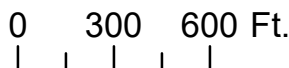
Location Map





Map Produced by the City of Norman
 Geographic Information System.
 The City of Norman assumes no
 responsibility for errors or omissions
 in the information presented.



May 3, 2023



-  Subject Tract
-  Zoning

STORM DRAINAGE DETENTION FACILITY EASEMENT

DRAINAGE DETENTION FACILITY EASEMENTS ARE HEREBY ESTABLISHED AS SHOWN TO PROVIDE FOR DETENTION OF STORM SURFACE WATER AND CONSTRUCTED AS APPROVED BY THE CITY ENGINEER...

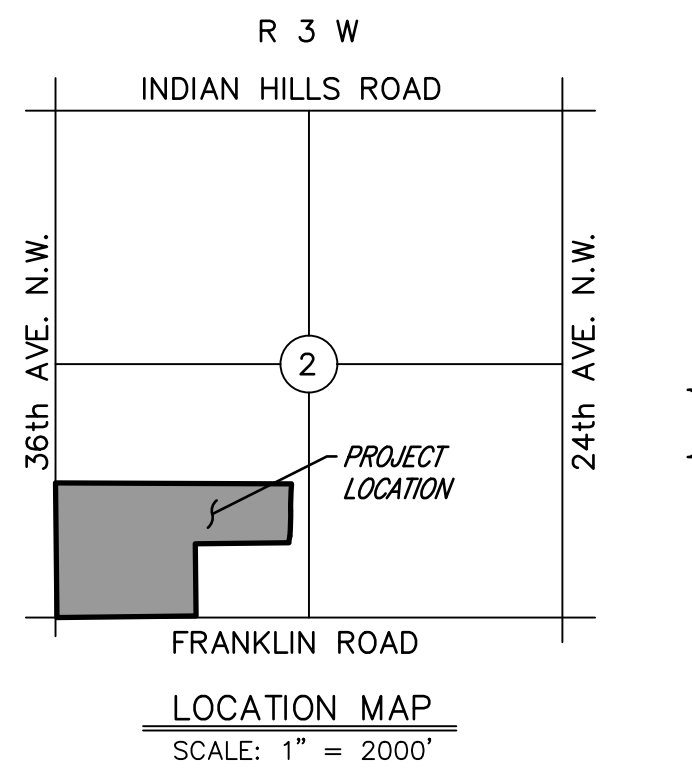
(WQPZ) WATER QUALITY PROTECTION ZONE

NOTE: THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION EXCEPT AS PERMITTED BY THE DIRECTOR OF PUBLIC WORKS UNLESS SUCH DISTURBANCE IS DONE IN ACCORDANCE WITH 30-411(h) OF THE NORMAN CITY CODE.

NOTE: THE WQPZ IS SUBJECT TO PROTECTIVE COVENANTS THAT MAY BE FOUND IN THE LAND RECORDS AND THAT RESTRICT DISTURBANCE AND USE OF THESE AREAS.

PRELIMINARY PLAT FRANKLIN WOODS ADDITION A PLANNED UNIT DEVELOPMENT A PART OF THE S.W. 1/4, SECTION 2, T9N, R3W, I.M. NORMAN, CLEVELAND COUNTY, OKLAHOMA

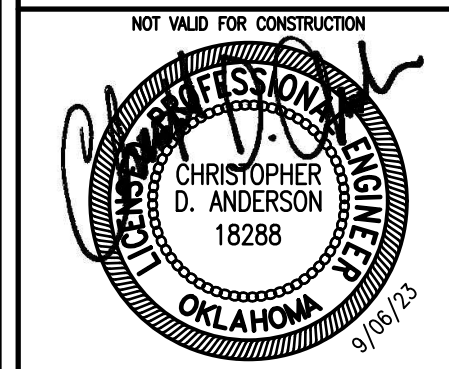
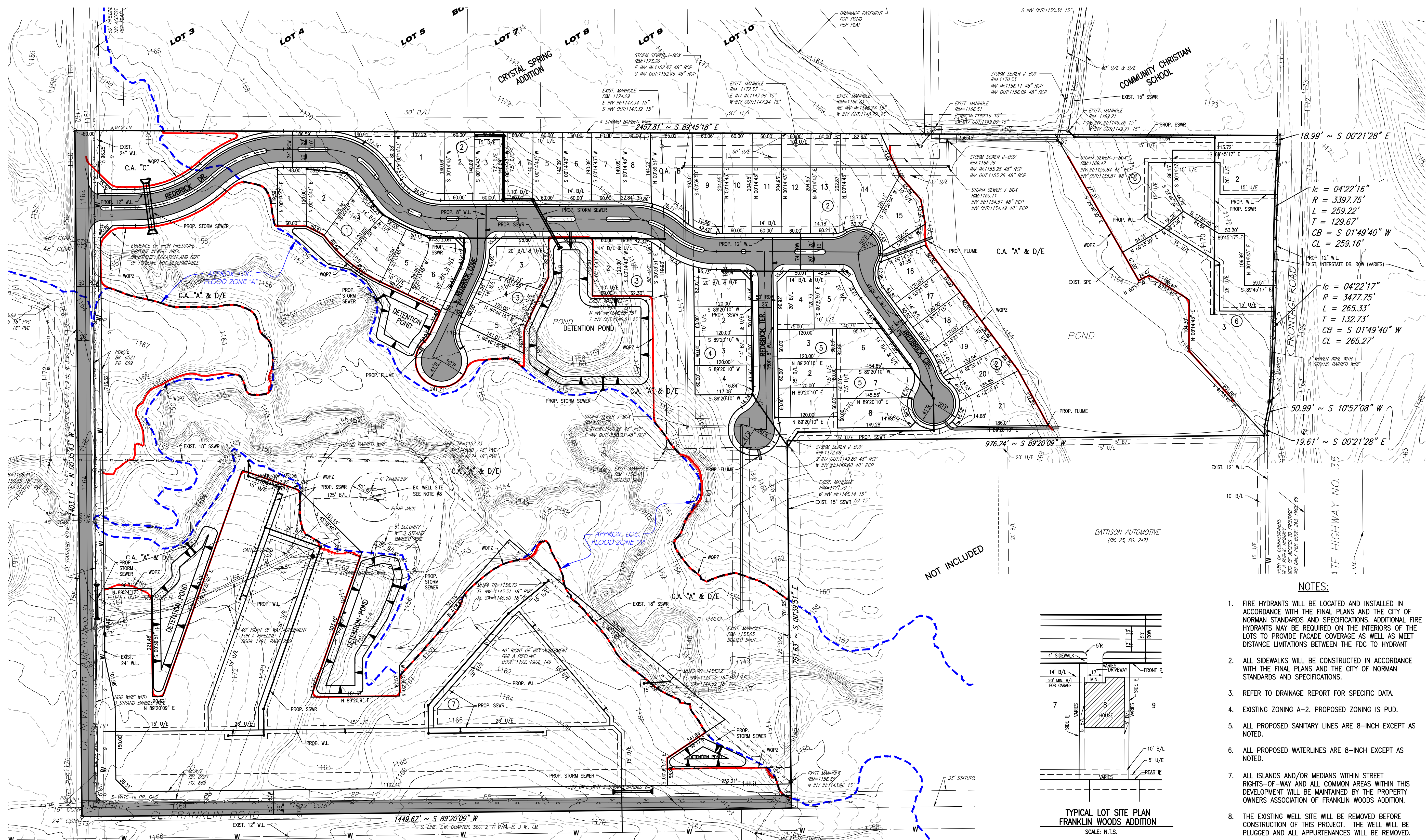
SCALE: 1" = 100' RESIDENTIAL LOTS - 47 OPEN SPACE AREA = 29.39 AC.±



LEGAL DESCRIPTION

Being a tract of land lying in the Southwest Quarter (S.W. 1/4) of Section Two (2), Township Nine North (T9N), Range Three West (R3W) of the Indian Meridian, Norman, Cleveland County, Oklahoma, and being more particularly described as follows:

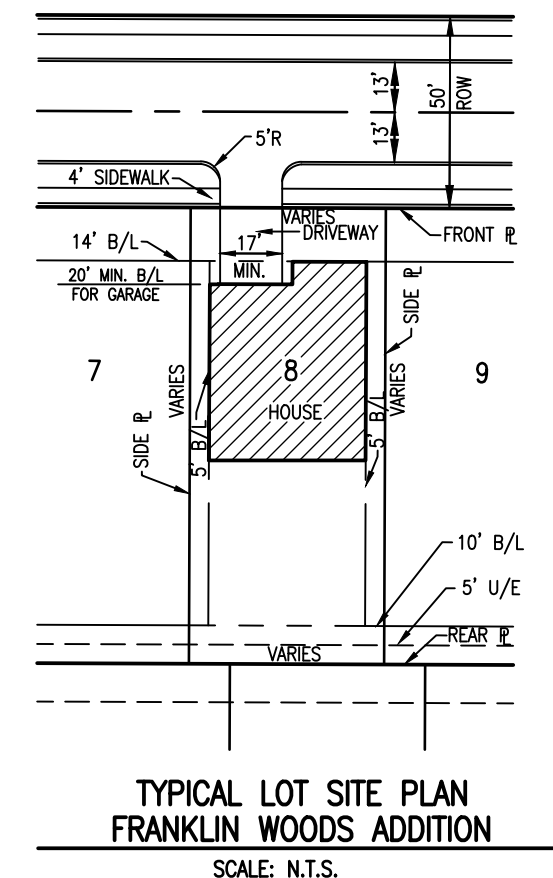
BEGINNING at the Southwest corner of said S.W. 1/4; THENCE North 00°35'43" West a distance of 1403.12 feet; THENCE South 89°45'17" East a distance of 2457.81 feet to a point on the Westerly right-of-way of the Frontage Road of Interstate Highway No. 35, as filed in the Report of Commissioners, Book 243, Page 66; THENCE South 00°21'28" East along said right-of-way line a distance of 18.99 feet to a point on a non-tangent curve; THENCE continuing along said right-of-way line around a curve to the left having a radius of 3397.75 feet (said curve subtended by a chord which bears South 01°49'40" West, a distance of 259.16 feet) and an arc length of 259.22 feet to a point of reverse curvature; THENCE continuing along said right-of-way line around a curve to the right having a radius of 3477.75 feet (said curve subtended by a chord which bears South 01°49'40" West, a distance of 265.27 feet) and an arc length of 265.33 feet; THENCE South 10°57'08" West along said right-of-way line a distance of 50.99 feet; THENCE South 00°21'28" East along said right-of-way line a distance of 19.61 feet; THENCE South 89°20'10" West a distance of 976.24 feet; THENCE South 00°39'51" East a distance of 751.63 feet; THENCE South 89°20'09" West a distance of 1449.67 feet to the POINT OF BEGINNING. Said tract contains 60.48 acres, more or less.



FRANKLIN WOODS ADDITION 36th AVE. N.W. & FRANKLIN RD. NORMAN, OKLAHOMA

NOTES:

- 1. FIRE HYDRANTS WILL BE LOCATED AND INSTALLED IN ACCORDANCE WITH THE FINAL PLANS AND THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS. ADDITIONAL FIRE HYDRANTS MAY BE REQUIRED ON THE INTERIORS OF THE LOTS TO PROVIDE FACADE COVERAGE AS WELL AS MEET DISTANCE LIMITATIONS BETWEEN THE FDC TO HYDRANT
2. ALL SIDEWALKS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE FINAL PLANS AND THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS.
3. REFER TO DRAINAGE REPORT FOR SPECIFIC DATA.
4. EXISTING ZONING A-2. PROPOSED ZONING IS PUD.
5. ALL PROPOSED SANITARY LINES ARE 8-INCH EXCEPT AS NOTED.
6. ALL PROPOSED WATERLINES ARE 8-INCH EXCEPT AS NOTED.
7. ALL ISLANDS AND/OR MEDIANS WITHIN STREET RIGHTS-OF-WAY AND ALL COMMON AREAS WITHIN THIS DEVELOPMENT WILL BE MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION OF FRANKLIN WOODS ADDITION.
8. THE EXISTING WELL SITE WILL BE REMOVED BEFORE CONSTRUCTION OF THIS PROJECT. THE WELL WILL BE PLUGGED AND ALL APPURTENANCES WILL BE REMOVED.



SMC Consulting Engineers, P.C. 402-232-7715 www.smcok.com

PROJECT NO: 6532.00 DATE: 5/01/23 SCALE: 1" = 100' DRAWN BY: DC ENGINEER: Christopher D. Anderson P.E. NUMBER: 18288 PRELIMINARY PLAT SHEET NO. 1

PRELIMINARY PLAT
PP-2324-5

ITEM NO. 13

STAFF REPORT

ITEM: Consideration of a Preliminary Plat for **FRANKLIN WOODS ADDITION, A PLANNED UNIT DEVELOPMENT**.

LOCATION: Located at the northeast corner of the intersection of West Franklin Road and 36th Avenue N.W.

INFORMATION:

1. Owners. Raven Investments, L.L.C.
2. Developer. Alliance Development Group, L.L.C.
3. Engineer. SMC Consulting Engineers, P.C.

HISTORY:

1. October 21, 1961. City Council adopted Ordinance No. 1320 annexing this property into the Corporate City Limits.
2. December 19, 1961. Planning Commission recommended to City Council that this property be placed in the A-2, Rural Agricultural District.
3. January 23, 1962. City Council adopted Ordinance No. 1339 placing this property in the A-2, Rural Agricultural District.
4. September 7, 2023. The Norman Board of Parks Commissioners, on a vote of 6-0, recommended fee in lieu of park land for Franklin Woods, a Planned Unit Development
5. September 14, 2023. The applicant has made a request to amend the NORMAN 2025 Land Use and Transportation Plan from Future Urban Service Area to Current Urban Service Area and from Medium Density Residential Designation to Mixed Use Designation and removal of Special Planning Area 5.
6. September 14, 2023. The applicant has requested that this property be placed in the PUD, Planned Unit Development and removed from A-2, Rural Agricultural District.

IMPROVEMENT PROGRAM:

1. Fire Hydrants. Fire hydrants will be installed in accordance with City standards. Their locations will be reviewed by the Fire Department.
2. Permanent Markers. Permanent markers will be installed prior to the final plat being filed of record.
3. Sanitary Sewers. Sanitary sewer mains will be installed to serve the property. They will connect to the existing northwest sanitary sewer interceptor.
4. Sidewalks. Sidewalks will be constructed adjacent to Franklin Road, Interstate Drive and 36th Avenue N.W. Sidewalks will be constructed adjacent to interior streets and open space areas.
5. Storm Sewers. Storm water will be conveyed to several proposed detention facilities.
6. Streets. Interstate Drive is existing. Franklin Road will be constructed in accordance with City paving standards. Thirty-sixth Avenue N.W. will be constructed in accordance with the 36th Avenue Paving Project. With final platting of the property fronting 36th Avenue N.W., staff will recommend deferral of street and sidewalk improvements. The engineer for the applicant has made a request for a variance in the cul-de-sac length for Redbrick Drive
7. Water Main. A twelve-inch (12”) water main is existing adjacent to Franklin Road and a portion of Interstate Drive. A 12-inch (12”) water main will be installed for property fronting Interstate Drive. There is an existing twenty-four-inch (24”) water main adjacent to 36th Avenue N.W.
8. WQPZ. The proposed open spaces contain WQPZ (Water Quality Protection Zone). With final platting, these areas will be controlled by easements and covenants.
9. Flood Plain. There is flood plain within the property. There is no flood plain located within the residential properties. The Flood Plain Permit Committee approved Flood Plain Permit No. 678 for the proposed street crossing the flood plain east of 36th Avenue N.W.

PUBLIC DEDICATIONS:

1. Easements. All required easements will be dedicated to the City on the final plat.
2. Rights-of-Way. Street rights-of-way will be dedicated to the City on the final plat.

SUPPLEMENTAL MATERIAL: Copies of a location map, preliminary site development plan, and preliminary plat are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: This property consists of 60.48 acres. There are 44 proposed single-family lots, 1 large apartment lot and 3 commercial lots, plus several open space areas to be maintained by a Property Owners Association within the property. There is an oil well on the property in the area of the apartments. The oil well will be removed and plugged before the apartment property develops. The engineer for the owner/developer has made a request for a variance in the cul-de-sac length for Redbrick Drive. Staff has reviewed the request and can support the request since Redbrick Drive will be built as a four lane divided boulevard.

ACTION NEEDED: Recommend approval or disapproval in a variance request for the cul-de-sac length for Redbrick Drive and the approval or disapproval of the preliminary plat for Franklin Woods Addition, a Planned Unit Development to City Council subject to the approvals of R-2324-11 and O-2324-1.

ACTION TAKEN: _____

File Attachments for Item:

39. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF ORDINANCE O-2324-22 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION FOUR (4), TOWNSHIP EIGHT (8) NORTH, RANGE TWO (2) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND PLACE SAME IN THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (NORTHEAST CORNER OF OAKHURST AVENUE AND EAST IMHOFF ROAD)



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: City of Norman

PRESENTER: Jane Hudson, Director of Planning & Community Development

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF ORDINANCE O-2324-22 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION FOUR (4), TOWNSHIP EIGHT (8) NORTH, RANGE TWO (2) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND PLACE SAME IN THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (NORTHEAST CORNER OF OAKHURST AVENUE AND EAST IMHOFF ROAD)

PROJECT OVERVIEW:

Owner and Co-Applicant, the City of Norman (the “Owner” and, together with Milestone Property Development, LLC, the “Co-applicants”) seek to rezone a parcel located north of Imhoff Road and east of Oakhurst Avenue, fronting both of these streets, as more particularly described on the attached Exhibit C (collectively referred to herein as the “Property”). The Property consists of 4.99 acre MOL, and is undeveloped with no existing structures. The property will be platted as Block 1 Lots 1 and 2. The Owner acquired the property in May of 2023.

The Owner intends to develop the premises for multifamily housing, and anticipates contracting with Milestone Property Development, LLC for said development. The property shall be developed in conformance with the Owner’s various development agreements, to accommodate uses as further described herein, and in conformance with the phasing set forth herein. If possible, the Owner plans to build structures that comply with Norman’s adopted Visitability Program and have a maximum HERS rating of 80.

The Property will be developed to include a total of seventy-five (75) units including one-, two-, and three-bedroom units. The one- and three-bedroom units will be housed in the two-story apartment buildings located in the southwest corner and along the eastern boundary of the property. The two-bedroom units will be developed as eleven one-story cottages (along the property perimeter directly abutting the single-family development to the north), grouped in threes and fours with adjoining walls. A standalone storm shelter is proposed for the residents of the complex, centrally located so as to be accessible to all units. Depending on the project’s

budget, the storm shelter may also be used as a Community Room for the residents of the Complex.

The Exhibits attached hereto, and as submitted on behalf of the Owner, are incorporated herein by reference and further depict the development criteria for the Property.

PROCEDURAL REQUIREMENTS:

GREENBELT COMMISSION: **GBC 23-25**, Crimson Flats, was placed on the Consent Docket. Greenbelt Commissioners forwards GBC 23-25, Crimson Flats, forward with no additional comments.

PRE-DEVELOPMENT: **PD 23-35**, Notices were sent to adjacent property owners but nobody attended the meeting.

PARKS BOARD: The Park Board approved accepting a private parkland decision by a 7-0 vote (2 were absent).

ZONING ORDINANCE CITATION:

SEC 36-510 – SIMPLE PLANNED UNIT DEVELOPMENTS

1. General Description. The Simple Planned Unit Development referred to as SPUD, is a special zoning district that provides an alternate approach to the conventional land use controls and to a PUD, Planned Unit Development to maximize the unique physical features of a particular site and produce unique, creative, progressive, or quality land developments.

The SPUD may be used for particular tracts or parcels of land that are to be developed, according to a SPUD Narrative and a Development Plan Map and contains less than five (5) acres.

The SPUD is subject to review procedures by Planning Commission and adoption by City Council.

2. Statement of Purpose. It is the intent of this section to encourage developments with a superior built environment brought about through unified development and to provide for the application of design ingenuity in such developments while protecting existing and future surrounding areas in achieving the goals of comprehensive plan of record. In addition the SPUD provides for the following:

Encourage efficient, innovative use of land in the placement and/or clustering of buildings in a development and protect the health, safety and welfare of the community.

Contribute to the revitalization and/or redevelopment of areas where decline of any type has occurred. Promote infill development that is compatible and harmonious with adjacent uses and would otherwise not be an area that could physically be redeveloped under conventional zoning.

Maintain consistency with the City's Zoning Ordinance, and other applicable plans, policies, standards and regulations on record.

Approval of a zone change to a SPUD adopts the Master Plan prepared by the applicant and reviewed as a part of the application. The SPUD establishes new and specific requirements for the amount and type of land use, residential densities, if appropriate, development regulations and location of specific elements of the development, such as open space and screening.

STAFF ANALYSIS: The particulars of this SPUD include:

USE: The City of Norman intends to develop the Property with seventy-five (75) multifamily housing units. The complete list of the allowable uses, and applicable use regulations, is attached as Exhibit A.

- 1) General purpose farm or garden;
- 2) Home occupation;
- 3) Attached single-family dwellings, provided that such uses comply with applicable City of Norman requirements;
- 4) Apartment buildings;
- 5) Accessory buildings and uses customarily incidental to any of the above uses when located on the same lot and insofar as they are included on the Site Plan.

OPEN SPACE/PARKLAND: The common area shown on the west side of the property is considered as the common open space for this project. The common open space is approximately 43% for this site. As demonstrated on the attached Site Development Plan, a large community outdoor space with a playground, gardening areas and green space shall be included in the center of the Property.

SITE PLAN/ACCESS: The site will be primarily accessed from Oakhurst Avenue, with a secondary entrance located off Imhoff Road.

LANDSCAPING: Landscaping shall be provided as set forth herein, and as otherwise required by City of Norman ordinances, as amended from time to time.

SIGNAGE: Signage may be placed and utilized, as shown on the Site Development Plan on the Southeast and Northwest Corners in addition to a possible wall sign and ground sign. Otherwise, the signage for the Property shall comply with City of Norman ordinances respecting office uses.

FENCING: A six-foot stockade fence will be installed between this Property and the single-family development to the north. Any fence installed on Property must comply with applicable City of Norman ordinances and regulations, as amended from time to time.

LIGHTING: Exterior lighting shall comply with applicable City of Norman Commercial Outdoor Lighting Standards, as amended from time to time. Any new exterior lighting installed will be full cut-off fixtures.

SANITATION/UTILITIES: Trash will be handled through three (3) on-site dumpster(s) located in the center and northwest areas of the parcel, and which shall be screened within enclosures

that are built of materials to be compatible with the building exteriors in the principal structure. Placement of trash enclosures shall comply with the attached Site Development Plan.

The property will be served by City water and sewer.

PARKING: On-site parking shall comply with the attached Site Development Plan and shall otherwise meet or exceed the requirements of Norman's ordinances, as applicable.

SIDEWALKS: Internal sidewalks will be provided within the development. As required by Code, the south and west of the development will provide public sidewalks.

BUILDING HEIGHT: This SPUD shall set height limits for this property. The two-bedroom units constructed along the north property boundary shall be limited to twenty feet (20') in height. No other structures on the Property may exceed thirty feet (30') in height. No additional buildings shall be constructed without amendment to the Site Development Plan.

EXTERIOR BUILDING MATERIALS: Exterior materials of any building to be constructed on the Property must be no less than sixty percent (60%) brick or stone, and the remainder shall be comprised of cement-type boards. The Owner may file restrictive covenants against the Property to more narrowly tailor architectural review within the development.

PHASING: The Owner and Milestone Property Development, LLC intend to develop the Property in one phase. In the case that construction must be split into multiple phases due to unforeseen circumstances, the Planning and Community Development Department must be provided detailed information regarding the alternative plan for phasing.

EXISTING ZONING: The Property is currently zoned PUD, Planned Unit Development for Crimson Creek East, which was approved by the Norman City Council on December 23, 2008 pursuant to Ordinance O-0809-1 along with a Preliminary Plat for the same property that has since expired. The existing land use designation under the Norman 2025 Land Use Plan is Medium Density Residential and no land use designation change will be sought for this project.

The property to the north is zoned R-1, Single-Family Residential. The property to the east is zoned C-O, Commercial Office District. The property to the west, across Oakhurst Avenue is zoned PUD, Planned Unit Development (for residential development). Several parcels further east are zoned C-2, General Commercial. Another undeveloped property further east is zoned A-2, Rural Agricultural. Directly south is developed I-1, Light Industrial by Hitachi.

ALTERNATIVES/ISSUES:

IMPACTS: There are no negative impacts expected with the development of this site. The property will be platted and meet all requirements to Final Plat.

OTHER AGENCY COMMENTS:

FIRE DEPARTMENT: Plan review for Fire will take place with the submittal of an application for building permit. Any required fire hydrants will be installed as required..

PUBLIC WORKS/ENGINEERING: Please see the attached report from Engineering.

TRAFFIC ENGINEER: Please see the attached report from the Traffic Engineer. No traffic issues are anticipated due to the development.

UTILITIES: Public water and sewer are available to the site. Sanitation will work with the developer to provide adequate sanitation services for the site.

CONCLUSION: Staff forwards this request for rezoning from a PUD, Planned Unit Development to a SPUD, Simple Planned Unit Development as Ordinance No. O-2324-22 to the Planning Commission for consideration and recommendation to City Council.

At their October 12, 2023 meeting, Planning Commission recommended approval with a vote of 6-0.

O-2324-22

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION FOUR (4), TOWNSHIP EIGHT (8) NORTH, RANGE TWO (2) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND PLACE SAME IN THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF.
(Northeast Corner of Oakhurst Avenue and East Imhoff Road)

- § 1. WHEREAS, the City of Norman, the owners of the hereinafter described property, have made application to have the subject property removed from the PUD, Planned Unit Development District and placed in the SPUD, Simple Planned Unit Development 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 36-201 of the Code of the City of Norman, Oklahoma, is hereby amended so as to remove the following described property from the PUD, Planned Unit Development District and place the same in the SPUD, Simple Planned Unit Development District, to wit:

A tract of land lying in the Southeast Quarter (SE/4) of Section Four (4), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma and being more particularly described as follows:

COMMENCING at the Southeast corner of said SE/4; THENCE South 88°44'08" West along the South line of said SE/4 a distance of 800.65 feet to the POINT OF BEGINNING;

THENCE continuing South 88°44'08" West along said South line a distance of 440.72 feet; THENCE North 01°09'54" West a distance of 50.03 feet;

Ordinance No. O-2324-22
Page 2

THENCE North 45°05'45" West a distance of 33.84 feet to a point on the East right-of-way line of Oakhurst Drive; THENCE North 00°00'00" East along said East right-of-way line a distance of 405.45 feet; THENCE North 90°00'00" East a distance of 456.69 feet; THENCE South 01°05'12" East a distance of 469.72 feet to the POINT OF BEGINNING.

Said tract contains an area of 217,421 square feet or 4.99, acres more or less.

- § 5. Further, pursuant to the provisions of Section 36-510 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 SPUD Narrative, Site Development Plan, and supporting documentation approved by the Planning Commission on October 12, 2023, and made a part hereof.

- § 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 _____, 2023.

NOT ADOPTED this _____ day of _____, 2023.

(Mayor)

(Mayor)

ATTEST:

(City Clerk)

MASTER PLAN FOR:

CRIMSON FLATS

A SIMPLE PLANNED UNIT DEVELOPMENT

LOCATED IN NORMAN, OKLAHOMA

OWNER & CO-APPLICANTS:

CITY OF NORMAN

MILESTONE PROPERTY DEVELOPMENT, LLC

APPLICATION FOR:

SIMPLE PLANNED UNIT DEVELOPMENT

Dated September 1, 2023

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 - E. Traffic Circulation and Access

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 - B. Area Regulations
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 - 5. Dumpster and Trash Enclosures
 - C. Miscellaneous Regulations
 - 1. Site Development Plan Map
 - 2. Open Space
 - 3. Master Sign Plan
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 - 5. Landscaping
 - 6. Fencing
 - 7. Phasing
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EXHIBITS

- A. Uses Allowed
- B. Site Development Plan
- C. Legal Description of the Property
- D. Green Space

I. Background and Plans for Property

Owner and Co-Applicant, the City of Norman (the “**Owner**” and, together with Milestone Property Development, LLC, the “**Co-applicants**”) seek to rezone a parcel located north of Imhoff Road and east of Oakhurst Avenue, fronting both of these streets, as more particularly described on the attached **Exhibit C** (collectively referred to herein as the “**Property**”). The Property consists of 4.99 acre MOL, and is undeveloped with no existing structures. The property will be platted as Block 1 Lots 1 and 2. The Owner acquired the property in May of 2023.

The Owner intends to develop the premises for affordable housing, and anticipates contracting with Milestone Property Development, LLC for said development. The property shall be developed in conformance with the Owner’s various development agreements, to accommodate uses as further described herein, and in conformance with the phasing set forth herein. If possible, the Owner plans to build structures that comply with Norman’s adopted Visitability Program and have a maximum HERS rating of 80.

II. Property Classifications and Site Conditions

A. Existing Land Use and Zoning

The Property is currently zoned PUD, Planned Unit Development for Crimson Creek East, which was approved by the Norman City Council on December 23, 2008 pursuant to Ordinance O-0809-1 along with a Preliminary Plat for the same property that has since expired. The existing land use designation under the Norman 2025 Land Use Plan is Medium Density Residential and no land use designation change will be sought for this project.

The property to the north is zoned R-1 Single-Family Residential. The property to the east is zoned C-O Commercial Office District. The property to the west, across Oakhurst Avenue is zoned PUD, Planned Unit Development (for residential development). Several parcels further east are zoned C-2 General Commercial. Another undeveloped property further east is zoned A-2 Rural Agricultural. Directly south is developed I-1 Light Industrial by Hitachi.

B. Elevation, Topography and Drainage

The Property generally slopes from east to west and is currently undeveloped. A retention/detention pond will be constructed to control additional stormwater runoff generated by this project. It will also serve as a site amenity. Any change to the elevation, topography or drainage shall comply with applicable regulations as well as the attached Site Development Plan.

C. Utility Services

The property will be served by City water and sewer.

D. Fire Protection Services

Fire Protection services will be provided by the City of Norman Fire Department and by the Applicant as such are required by adopted City codes. Any alterations made to the site will be reviewed and approved with a building permit prior to construction.

E. Traffic Circulation and Access

The site will be primarily accessed from Oakhurst Avenue, with a secondary entrance located off Imhoff Road.

III. DEVELOPMENT PLAN AND PHASING

The Property will be developed to include a total of seventy-five (75) units including one-, two-, and three-bedroom units. The one- and three-bedroom units will be housed in the two-story apartment buildings located in the southwest corner and along the eastern boundary of the property. The two-bedroom units will be developed as eleven one-story cottages (along the property perimeter directly abutting the single-family development to the north), grouped in threes and fours with adjoining walls. A standalone storm shelter is proposed for the residents of the complex, centrally located so as to be accessible to all units. Depending on the project's budget, the storm shelter may also be used as a Community Room for the residents of the Complex.

The Exhibits attached hereto, and as submitted on behalf of the Owner, are incorporated herein by reference and further depict the development criteria for the Property.

A. Permitted Uses:

The City of Norman intends to develop the Property with seventy-five (75) affordable housing units. The complete list of the allowable uses, and applicable use regulations, is attached as **Exhibit A**.

B. Area Regulations:

1. Setbacks

This SPUD shall establish a minimum setback of twenty-five foot (25') along all front, rear and side yards for all buildings.

2. Density

Two multi-story apartment building structures, a standalone storm shelter, and eleven (11) one-story cottages grouped with adjoining walls shall be located on the Property, as demonstrated on the attached Site Development Plan.

3. Height

This SPUD shall set height limits for this property. The two-bedroom units constructed along the north property boundary shall be limited to twenty feet (20') in height. No other structures on the Property may exceed thirty feet (30') in height. No additional buildings shall be constructed without amendment to the Site Development Plan.

4. Parking

On-site parking shall comply with the attached Site Development Plan and shall otherwise meet or exceed the requirements of Norman's ordinances, as applicable.

5. Dumpster and Trash Enclosures

Trash will be handled through at least three (3) on-site dumpster(s) as shown on the Site Development Plan, and which shall be screened within enclosures that are built of materials to be compatible with the building exteriors in the principal structure. Placement of trash enclosures will be approved by the Utilities Department and placement on the Site Development Plan may be altered based on such approvals.

C. Miscellaneous Regulations

1. Site Development Plan

The Site Development Plan for the Property is attached to this SPUD as **Exhibit B** and hereby fully incorporated as an integral part of the SPUD. The property shall be developed as shown thereon, except as otherwise allowed by the City of Norman ordinances. Accessory structures shall comply with applicable regulations set forth herein, or otherwise applicable through the City of Norman ordinances, as amended from time to time. An amendment to the Site Development Plan shall be required in order to construct any accessory structure not demonstrated thereon.

2. Open Space

The common area shown on the west side of the property is considered as the common open space for this project. The common open space is approximately 43% for this site. As demonstrated on the attached Site Development Plan, a large community outdoor space with a playground, gardening areas and green space shall be included in the center of the Property.

3. Master Sign Plan

Signage may be placed and utilized, as shown on the Site Development Plan on the Southeast and Northwest Corners in addition to a possible wall sign and ground sign. Otherwise, the signage for the Property shall comply with City of Norman ordinances respecting office uses.

4. Lighting

Exterior lighting shall comply with applicable City of Norman Commercial Outdoor Lighting Standards, as amended from time to time. Any new exterior lighting installed will be full cut-off fixtures.

5. Landscaping

Landscaping shall be provided as set forth herein, and as otherwise required by City of Norman ordinances, as amended from time to time.

6. Fencing

A six-foot stockade fence will be installed between this Property and the single-family development to the north. Any fence installed on Property must comply with applicable City of Norman ordinances and regulations, as amended from time to time.

7. Phasing

The Owner and Milestone Property Development, LLC intend to develop the Property in one phase. In the case that construction must be split into multiple phases due to unforeseen circumstances, the Planning and Community Development Department must be provided detailed information regarding the alternative plan for phasing.

8. Exterior Materials

Exterior materials of any building to be constructed on the Property must be no less than sixty percent (60%) brick or stone, and the remainder shall be comprised of cement-type boards. The Owner may file restrictive covenants against the Property to more narrowly tailor architectural review within the development.

EXHIBIT A
Uses Allowed

- 1) General purpose farm or garden;
- 2) Home occupation;
- 3) Attached single-family dwellings, provided that such uses comply with applicable City of Norman requirements;
- 4) Apartment buildings;
- 5) Accessory buildings and uses customarily incidental to any of the above uses when located on the same lot and insofar as they are included on the Site Plan

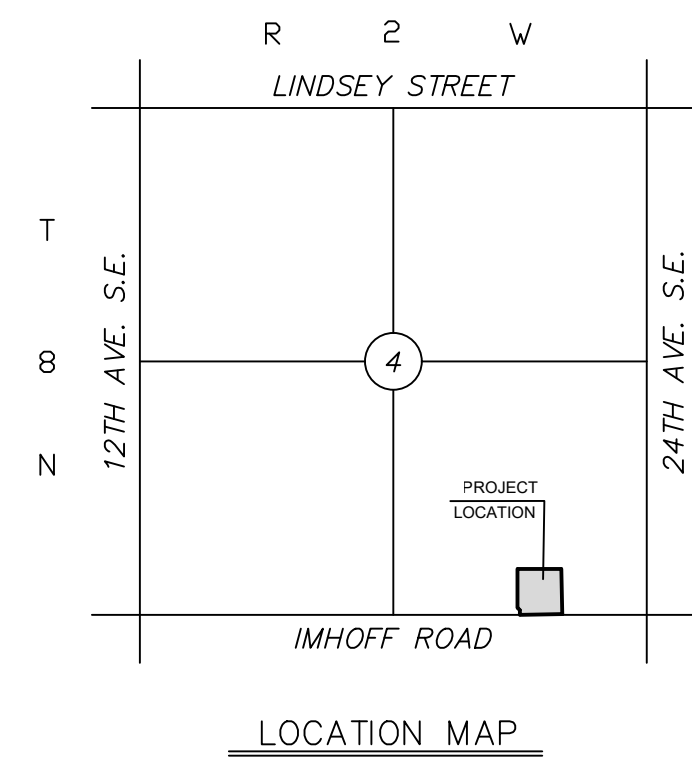
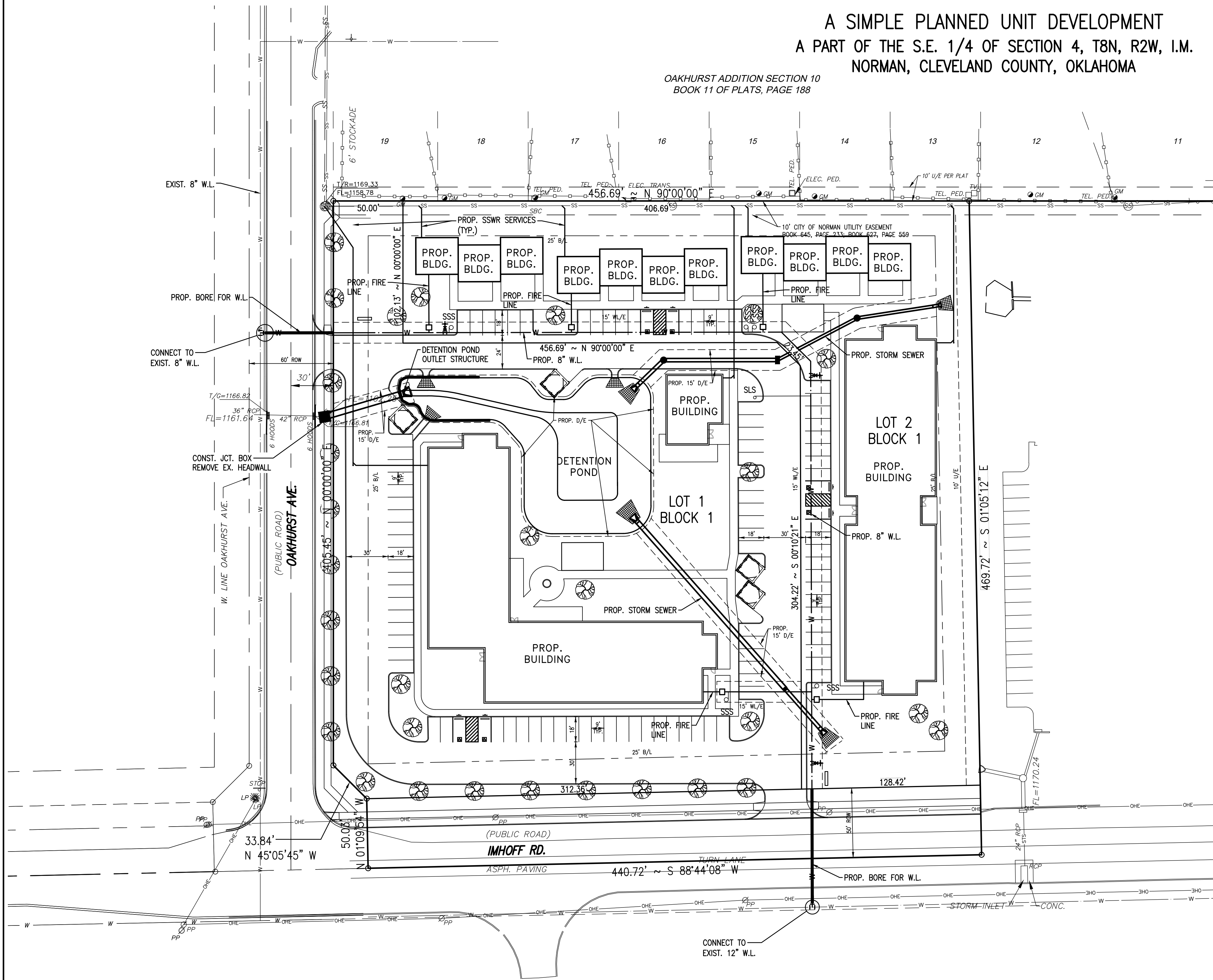
EXHIBIT B
Site Development Plan

Preliminary Site Development Plan CRIMSON FLATS

A SIMPLE PLANNED UNIT DEVELOPMENT
A PART OF THE S.E. 1/4 OF SECTION 4, T8N, R2W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA

OAKHURST ADDITION SECTION 10
BOOK 11 OF PLATS, PAGE 188

Exhibit B



SCALE: 1" = 40'

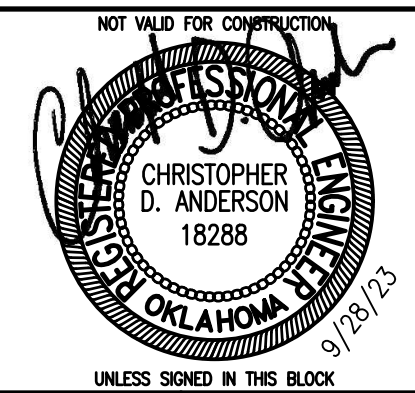
NOTES:

1. FIRE HYDRANTS WILL BE LOCATED AND INSTALLED IN ACCORDANCE WITH THE FINAL PLANS AND THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS.
2. ALL SANITARY SEWER LINES ARE PRIVATE AND WILL BE 8" DIA., UNLESS NOTED OTHERWISE.
3. ALL WATERLINES SHALL BE 8" UNLESS OTHERWISE NOTE.
4. ALL RADII SHALL BE 3' UNLESS OTHERWISE NOTED.
5. THE FIRE DEPARTMENT CONNECTION (FDC) SHALL BE LOCATED ON THE STREET SIDE OF ANY STRUCTURE. THE FDC SHALL BE LOCATED AND ARRANGED SO THAT THE HOSE LINES CAN BE READILY ATTACHED TO THE INLETS WITHOUT INTERFERENCE FROM OBJECTS. WHERE MOUNTED ON THE STRUCTURE'S FACADE, A DISTANCE NO GREATER THAN 100' SHALL BE BETWEEN THE FDC AND A FIRE HYDRANT. WHERE THEY ARE REMOTE FROM THE STRUCTURE SERVED, A DISTANCE NO GREATER THAN 50'.
6. FIRE LANE STRIPING: "NO PARKING FIRE LANE" MARKING SHALL CONSIST OF A SIX (6) INCH WIDE RED STRIPE ALONG THE CURB ON ALL SIDES OF THE BUILDING. THE WORDS "NO PARKING FIRE LANE" SHALL BE MARKED ON THE STRIPES IN FOUR (4) INCH HIGH WHITE LETTERS AT 25-FT. MAXIMUM INTERVALS. STRIPING AND LETTERS SHALL BE APPLIED ACCORDING TO THE CITY OF NORMAN. FIRE LANE & FIRE PROTECTION MUST BE APPROVED BY THE FIRE MARSHALL PRIOR TO BUILDING PERMIT BEING ISSUED. CONTRACTOR TO COORDINATE ALL FIRE LANE MARKINGS WITH THE NORMAN FIRE MARSHALL.
- 7) BUILDINGS WILL BE REQUIRED TO BE PROTECTED WITH AN AUTOMATIC SPRINKLER SYSTEM. THE FIRE VAULT WILL BE SHOWN ON FINAL PLAT SITE PLAN AND CONSTRUCTION PLANS.

STORM DRAINAGE DETENTION FACILITY EASEMENT

DRAINAGE DETENTION FACILITY EASEMENTS ARE HEREBY ESTABLISHED AS SHOWN TO PROVIDE FOR DETENTION OF STORM SURFACE WATER AND CONSTRUCTED AS APPROVED BY THE CITY ENGINEER. ALL MAINTENANCE WITHIN THE DRAINAGE DETENTION FACILITY EASEMENT SHALL BE THE RIGHT, DUTY AND RESPONSIBILITY OF THE PROPERTY OWNERS ASSOCIATION IN THE PLAT OF CRIMSON FLATS; HOWEVER, IF MAINTENANCE IS NEGLECTED OR SUBJECT TO OTHER UNUSUAL CIRCUMSTANCES AND IS DETERMINED TO BE A HAZARD OR THREAT TO PUBLIC SAFETY BY THE CITY, CORRECTIVE MAINTENANCE MAY BE PERFORMED BY THE GOVERNING JURISDICTION WITH COSTS ASSESSED TO AND BORN UPON SAID PROPERTY OWNERS ASSOCIATION. OFFICIALS REPRESENTING THE PUBLIC WORKS DEPARTMENT, SHALL HAVE THE RIGHT TO ENTER UPON THE EASEMENT FOR PURPOSES OF PERIODIC INSPECTION AND/OR CORRECTIVE MAINTENANCE OF THE FACILITY. UPON RECEIVING WRITTEN APPROVAL FROM THE PUBLIC WORKS DEPARTMENT, PROPERTY OWNERS ASSOCIATION MAY CONSTRUCT IMPROVEMENTS WITHIN THE EASEMENT, PROVIDED THE IMPROVEMENT DOES NOT INTERFERE WITH THE FUNCTION OF THE DETENTION FACILITY.

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CRIMSON FLATS
IMHOFF RD. & 24th AVE. SE
NORMAN, OKLAHOMA

SMC Consulting Engineers, P.C. 615 S. Broadway Norman, Oklahoma 73069 Phone: 405-232-7715 Fax: 405-232-7639 Website: www.smcok.com	Date: 08/30/23 By: [Signature]
	Oklahoma Certificate of Authorization No. CA 464 Exp. 09/20/2025 No. 1 Revision: [Blank] Entered per: Staff Comments

PROJECT NO.: 6555.00
DATE: 8/30/23
SCALE: 1" = 40'
DRAWN BY: D.G.
ENGINEER: Christopher D. Anderson
P.E. NUMBER: 18288

Preliminary Site Development Plan

SHEET NO.
1

EXHIBIT C
 Legal Description of the Property

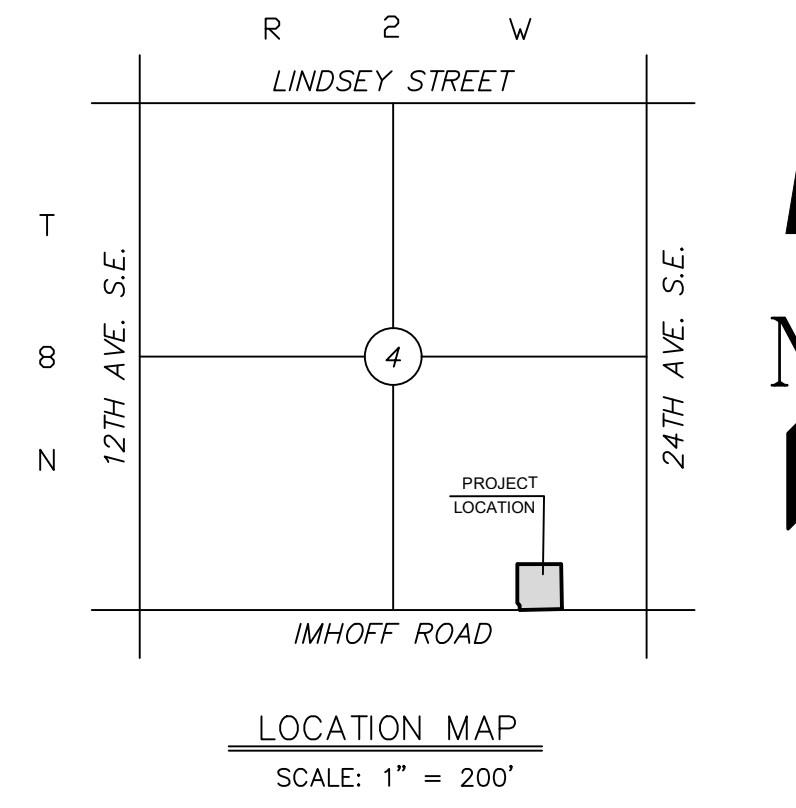
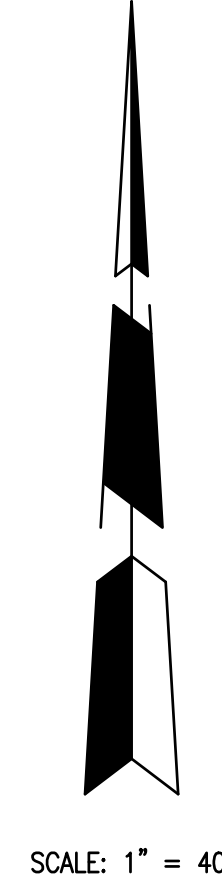
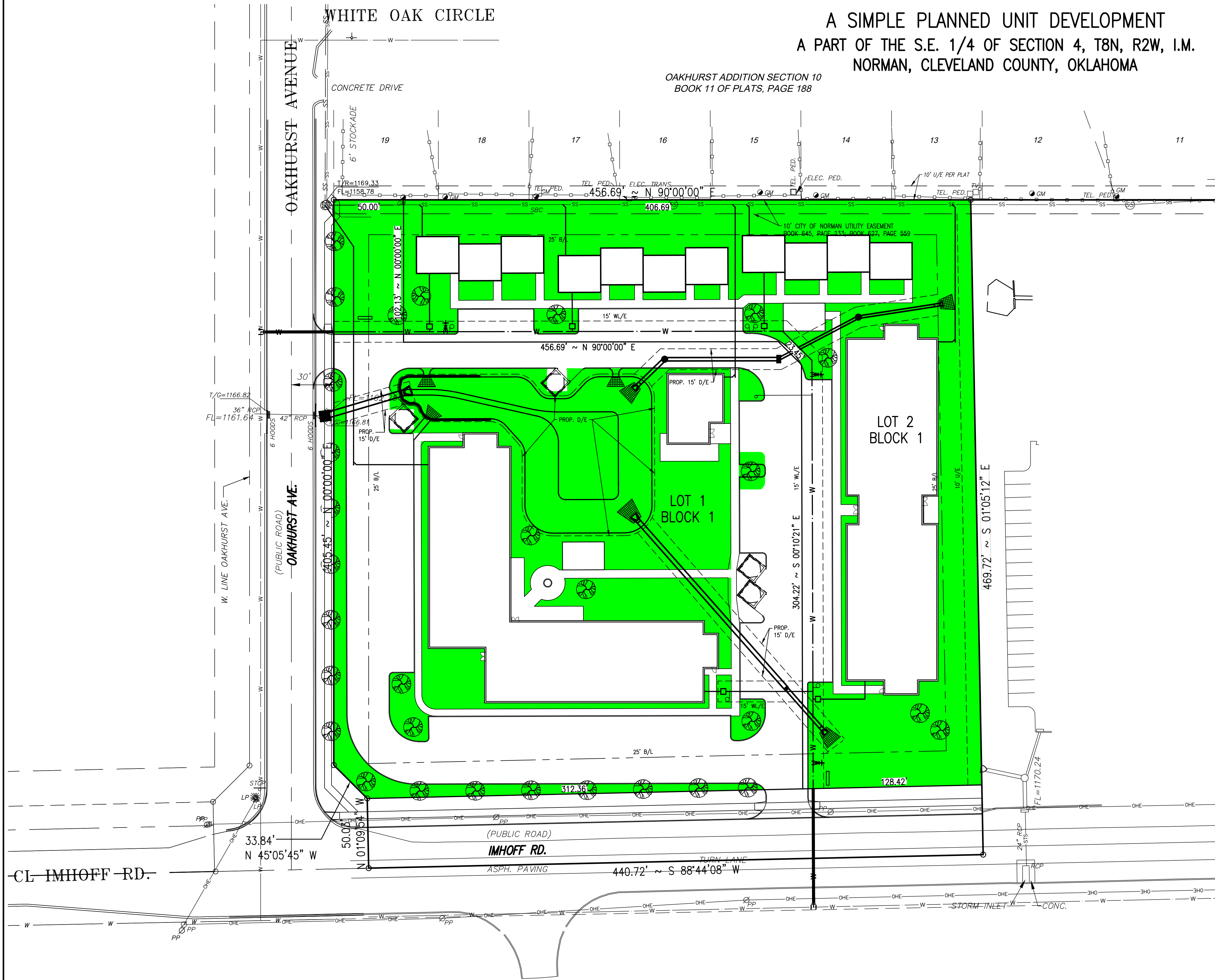
A part of the Southeast Quarter (SE/4) of Section Four (4), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma, and being more particularly described as follows:
 Beginning at a point on the South line of said Southeast Quarter (SE/4), 1321.76 feet North 88°50'06" East of the Southwest Corner of said Southeast Quarter (SE/4), said point of beginning, being on the East line of Oakhurst Avenue;
 Thence North 01°09'54" West a distance of 50.00 feet;
 Thence North 45°05'45" West a distance of 33.84 feet;
 Thence North 00°00'00" East a distance of 402.54 feet to the Southwest corner of Lot 19, Block 30 of Oakhurst Addition Section 10;
 Thence South 90°00'00" East. on the South line of Oakhurst Addition Section 10, a distance of 676.69 feet;
 Thence South 01°05'28" East a distance of 463.08 feet to the South line of said Southeast Quarter (SE/4);
 Thence South 88°50'06" West on said South line a distance of 660.65 feet to the point of beginning.
 LESS AND EXCEPT the East 220.00 feet of the following described tract:
 A part of the Southeast Quarter (SE/4) of Section Four (4), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma, and being more particularly described as follows:
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 Thence South 88°50'06" West on said South line a distance of 660.65 feet to the point of beginning.

Greenspace Exhibit CRIMSON FLATS

Exhibit D

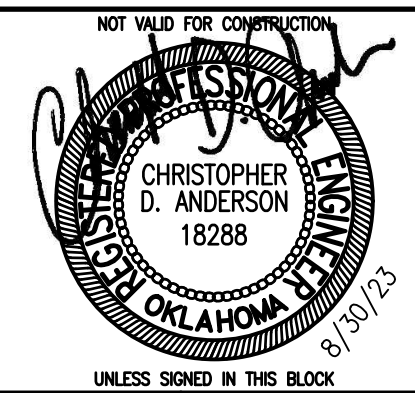
A SIMPLE PLANNED UNIT DEVELOPMENT
A PART OF THE S.E. 1/4 OF SECTION 4, T8N, R2W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA

OAKHURST ADDITION SECTION 10
BOOK 11 OF PLATS, PAGE 188



TOTAL GREENSPACE = 1.90 AC.±

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CRIMSON FLATS

IMHOFF RD. & 24th AVE. SE
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SMC Consulting Engineers, P.C. 1000 N. Lincoln Blvd., Suite 200 Norman, Oklahoma 73069 Phone: 405-232-7715 Fax: 405-232-7639 Website: www.smcok.com	No.	Revision	Date

PROJECT NO.: 6555.00
DATE: 8/30/23
SCALE: 1" = 1'
DRAWN BY: ———
ENGINEER: Christopher D. Anderson
P.E. NUMBER: 18288

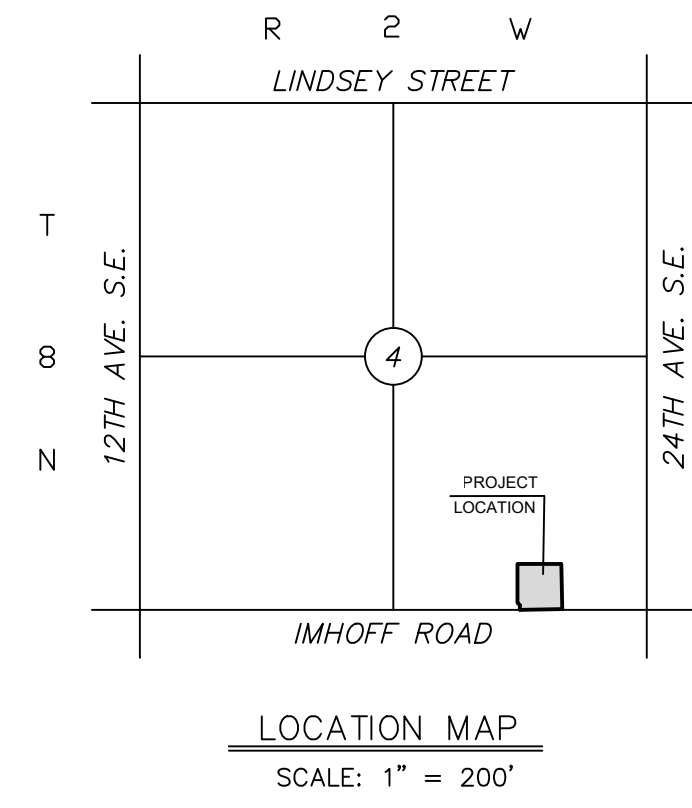
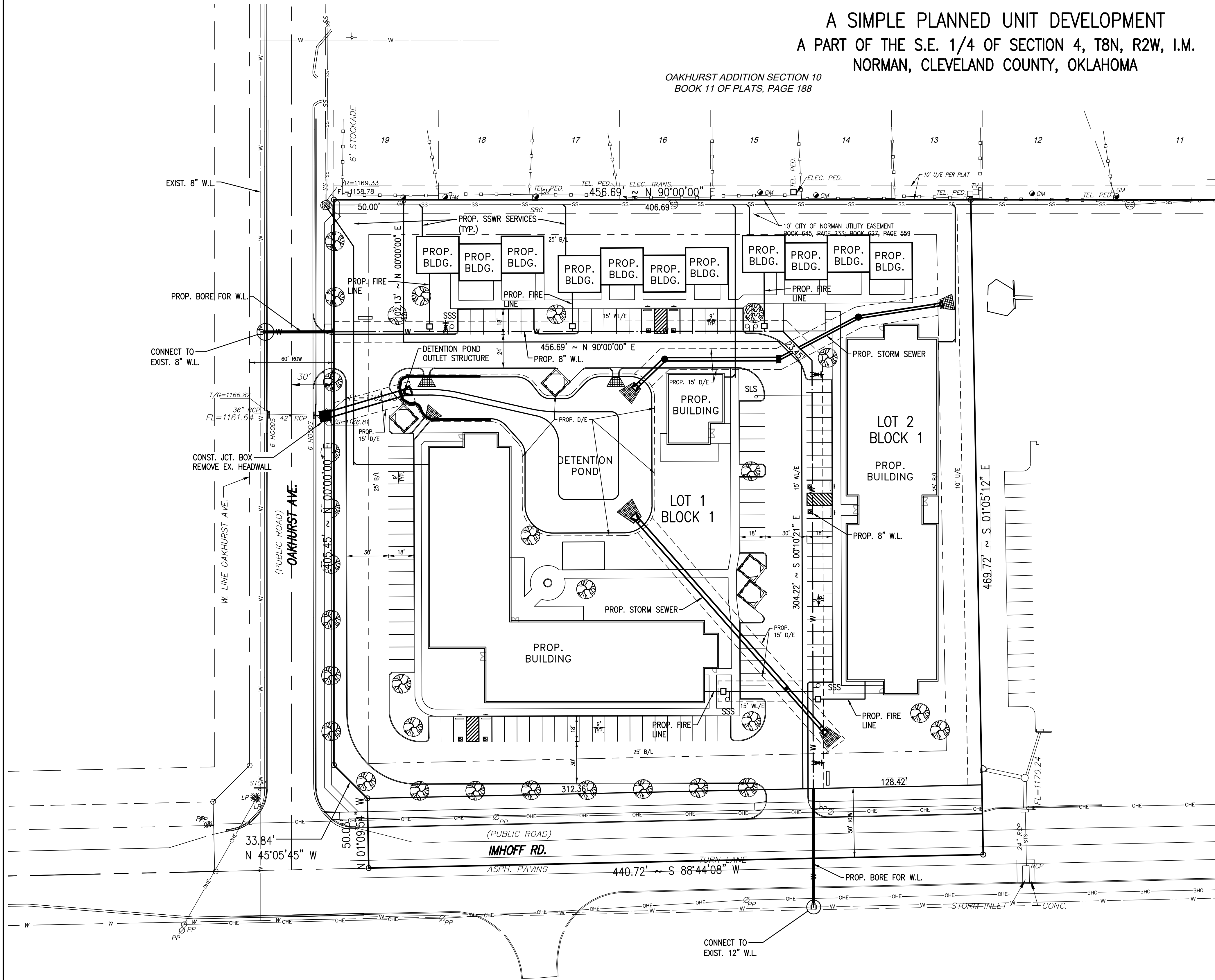
Greenspace Exhibit

SHEET NO.
1

Preliminary Site Development Plan CRIMSON FLATS

A SIMPLE PLANNED UNIT DEVELOPMENT
A PART OF THE S.E. 1/4 OF SECTION 4, T8N, R2W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA

OAKHURST ADDITION SECTION 10
BOOK 11 OF PLATS, PAGE 188



SCALE: 1" = 40'

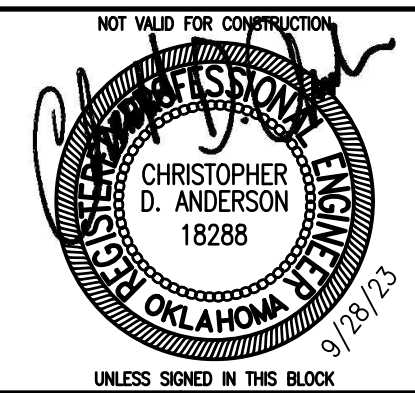
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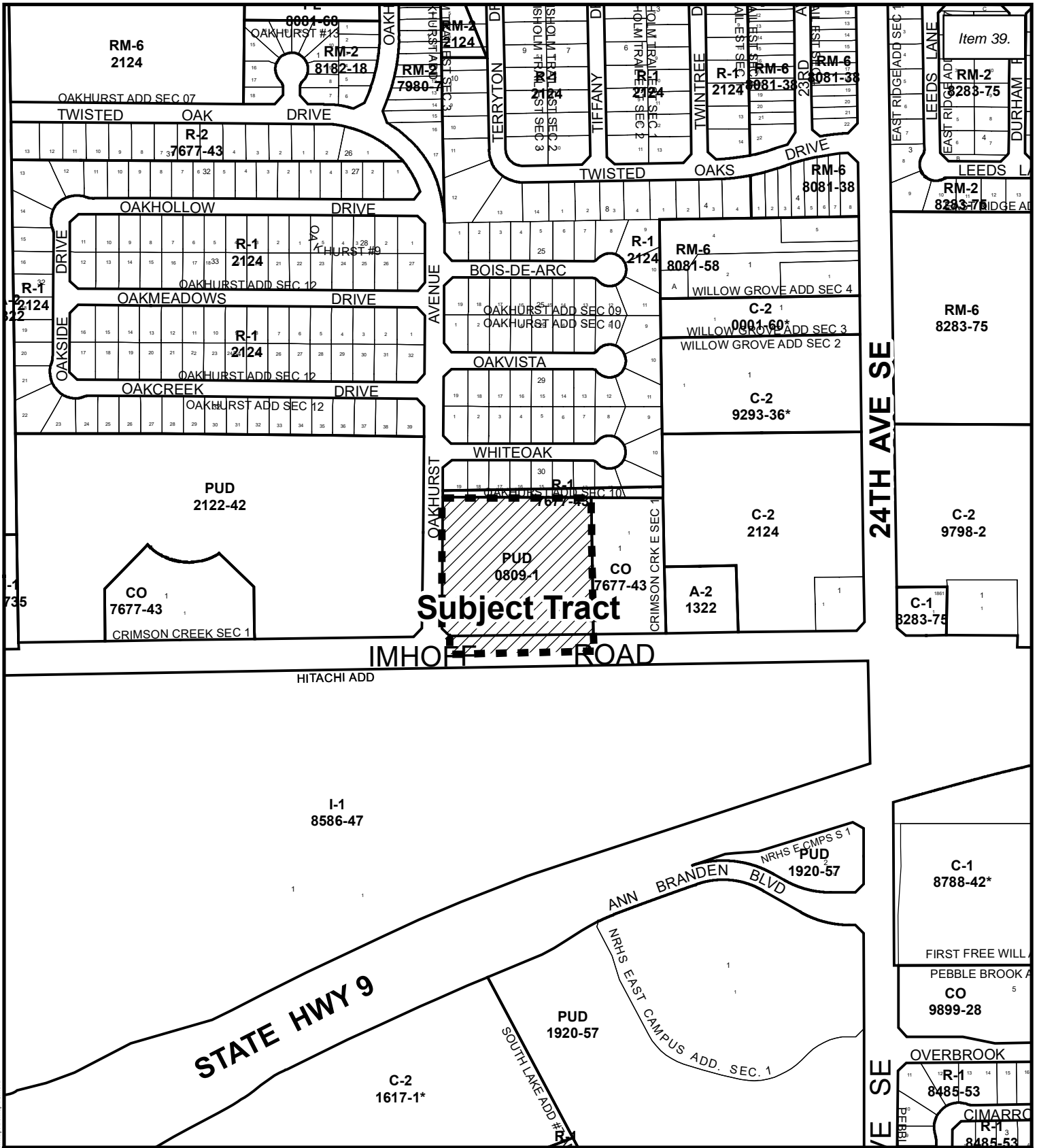
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SMC Consulting Engineers, P.C.	
915 North Lincoln	Norman, Oklahoma 73069
PH: 405-232-7715	Fax: 405-232-7639
Website: www.smcok.com	
OKLAHOMA CERTIFICATE OF AUTHORIZATION NO. CA 464 EXP. 09/20/2025	
No.	Date
1	12/19/23
Revised per Staff comments	

PROJECT NO.: 6555.00
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SCALE: 1" = 40'
DRAWN BY: D.G.
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Preliminary Site Development Plan

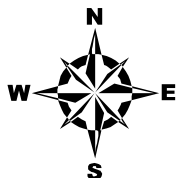
SHEET NO.
1



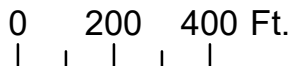
Location Map



Map Produced by the City of Norman Geographic Information System. The City of Norman assumes no responsibility for errors or omissions in the information presented.



September 6, 2023



Subject Tract

Applicant: City of Norman

Project Location: NE Corner of Imhoff Rd. and Oakhurst Ave.

Case Number: PD 23-35

Time: 6:30 p.m.

Applicant/Representative

Anthony Purinton, Assistant City Attorney
Lisa Krieg, Grants Manager
Ian Rawhauser, Milestone Property Development
Thomas Gorman, Milestone Property Development

Attendees

No attendees

City Staff

Beth Muckala, Assistant City Attorney III
Lora Hoggatt, Planning Services Manager
Melissa Navarro, Planner II
Whitney Kline, Admin Tech III

Application Summary

The applicant requests a preliminary plat and rezoning to a Simple Planned Unit Development (SPUD) to allow for the development of a multi-family residential project.

Neighbor's Comments/Concerns/Responses

No neighbors attended this meeting.

ORDINANCE NO. O-2324-22

ITEM NO. 5

STAFF REPORT

GENERAL INFORMATION

APPLICANT	City of Norman
REQUESTED ACTION	Rezoning to SPUD, Simple Planned Unit Development District
EXISTING ZONING	PUD, Planned Unit Development (O-0809-1)
SURROUNDING ZONING	North: R-1, Single Family Dwelling District East: CO, Suburban Office Commercial South: I-1, Light Industrial District West: PUD, Planned Unit Development (O-2122-42)
LOCATION	Northeast corner of Imhoff Road and Oakhurst Avenue
WARD	1
CORE AREA	No
AREA/SF	4.99 acres more or less
PURPOSE	Development of a multi-family housing project
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Single-family homes East: Church South: Hitachi Greenspace West: Developing Single-family Addition
LAND USE PLAN DESIGNATION	Medium Density Residential
PROPOSED LAND USE DESIGNATION	No Change
GROWTH AREA DESIGNATION	Current Urban Service Area

PROJECT OVERVIEW:

Owner and Co-Applicant, the City of Norman (the "Owner" and, together with Milestone Property Development, LLC, the "Co-applicants") seek to rezone a parcel located north of Imhoff Road and east of Oakhurst Avenue, fronting both of these streets, as more particularly described on the attached Exhibit C (collectively referred to herein as the "Property"). The Property consists of 4.99 acre MOL, and is undeveloped with no existing structures. The property will be platted as Block 1 Lots 1 and 2. The Owner acquired the property in May of 2023.

The Owner intends to develop the premises for multifamily housing, and anticipates contracting with Milestone Property Development, LLC for said development. The property shall be developed in conformance with the Owner's various development agreements, to accommodate uses as further described herein, and in conformance with the phasing set forth herein. If possible, the Owner plans to build structures that comply with Norman's adopted Visitability Program and have a maximum HERS rating of 80.

The Property will be developed to include a total of seventy-five (75) units including one-, two-, and three-bedroom units. The one- and three-bedroom units will be housed in the two-story apartment buildings located in the southwest corner and along the eastern boundary of the property. The two-bedroom units will be developed as eleven one-story cottages (along the property perimeter directly abutting the single-family development to the north), grouped in threes and fours with adjoining walls. A standalone storm shelter is proposed for the residents of the complex, centrally located so as to be accessible to all units. Depending on the project's budget, the storm shelter may also be used as a Community Room for the residents of the Complex.

The Exhibits attached hereto, and as submitted on behalf of the Owner, are incorporated herein by reference and further depict the development criteria for the Property.

PROCEDURAL REQUIREMENTS:

GREENBELT COMMISSION: GBC 23-25, Crimson Flats, was placed on the Consent Docket. Greenbelt Commissioners forwards GBC 23-25, Crimson Flats, forward with no additional comments.

PRE-DEVELOPMENT: PD 23-35, Notices were sent to adjacent property owners but nobody attended the meeting.

PARKS BOARD: The Park Board approved accepting a private parkland decision by a 7-0 vote (2 were absent).

ZONING ORDINANCE CITATION:**SEC 36-510 – SIMPLE PLANNED UNIT DEVELOPMENTS**

1. General Description. The Simple Planned Unit Development referred to as SPUD, is a special zoning district that provides an alternate approach to the conventional land use controls and to a PUD, Planned Unit Development to maximize the unique physical features of a particular site and produce unique, creative, progressive, or quality land developments.

The SPUD may be used for particular tracts or parcels of land that are to be developed according to a SPUD Narrative and a Development Plan Map and contains less than five (5) acres.

The SPUD is subject to review procedures by Planning Commission and adoption by City Council.

2. **Statement of Purpose.** It is the intent of this section to encourage developments with a superior built environment brought about through unified development and to provide for the application of design ingenuity in such developments while protecting existing and future surrounding areas in achieving the goals of comprehensive plan of record. In addition the SPUD provides for the following:

Encourage efficient, innovative use of land in the placement and/or clustering of buildings in a development and protect the health, safety and welfare of the community.

Contribute to the revitalization and/or redevelopment of areas where decline of any type has occurred. Promote infill development that is compatible and harmonious with adjacent uses and would otherwise not be an area that could physically be redeveloped under conventional zoning.

Maintain consistency with the City's Zoning Ordinance, and other applicable plans, policies, standards and regulations on record.

Approval of a zone change to a SPUD adopts the Master Plan prepared by the applicant and reviewed as a part of the application. The SPUD establishes new and specific requirements for the amount and type of land use, residential densities, if appropriate, development regulations and location of specific elements of the development, such as open space and screening.

STAFF ANALYSIS: The particulars of this SPUD include:

USE: The City of Norman intends to develop the Property with seventy-five (75) multifamily housing units. The complete list of the allowable uses, and applicable use regulations, is attached as Exhibit A.

- 1) General purpose farm or garden;
- 2) Home occupation;
- 3) Attached single-family dwellings, provided that such uses comply with applicable City of Norman requirements;
- 4) Apartment buildings;
- 5) Accessory buildings and uses customarily incidental to any of the above uses when located on the same lot and insofar as they are included on the Site Plan.

OPEN SPACE/PARKLAND: The common area shown on the west side of the property is considered as the common open space for this project. The common open space is approximately 43% for this site. As demonstrated on the attached Site Development Plan, a large community outdoor space with a playground, gardening areas and green space shall be included in the center of the Property.

SITE PLAN/ACCESS: The site will be primarily accessed from Oakhurst Avenue, secondary entrance located off Imhoff Road.

LANDSCAPING: Landscaping shall be provided as set forth herein, and as otherwise required by City of Norman ordinances, as amended from time to time.

SIGNAGE: Signage may be placed and utilized, as shown on the Site Development Plan on the Southeast and Northwest Corners in addition to a possible wall sign and ground sign. Otherwise, the signage for the Property shall comply with City of Norman ordinances respecting office uses.

FENCING: A six-foot stockade fence will be installed between this Property and the single-family development to the north. Any fence installed on Property must comply with applicable City of Norman ordinances and regulations, as amended from time to time.

LIGHTING: Exterior lighting shall comply with applicable City of Norman Commercial Outdoor Lighting Standards, as amended from time to time. Any new exterior lighting installed will be full cut-off fixtures.

SANITATION/UTILITIES: Trash will be handled through three (3) on-site dumpster(s) located in the center and northwest areas of the parcel, and which shall be screened within enclosures that are built of materials to be compatible with the building exteriors in the principal structure. Placement of trash enclosures shall comply with the attached Site Development Plan.

The property will be served by City water and sewer.

PARKING: On-site parking shall comply with the attached Site Development Plan and shall otherwise meet or exceed the requirements of Norman's ordinances, as applicable.

SIDEWALKS: Internal sidewalks will be provided within the development. As required by Code, the south and west of the development will provide public sidewalks.

BUILDING HEIGHT: This SPUD shall set height limits for this property. The two-bedroom units constructed along the north property boundary shall be limited to twenty feet (20') in height. No other structures on the Property may exceed thirty feet (30') in height. No additional buildings shall be constructed without amendment to the Site Development Plan.

EXTERIOR BUILDING MATERIALS: Exterior materials of any building to be constructed on the Property must be no less than sixty percent (60%) brick or stone, and the remainder shall be comprised of cement-type boards. The Owner may file restrictive covenants against the Property to more narrowly tailor architectural review within the development.

PHASING: The Owner and Milestone Property Development, LLC intend to develop the Property in one phase. In the case that construction must be split into multiple phases due to unforeseen circumstances, the Planning and Community Development Department must be provided detailed information regarding the alternative plan for phasing.

EXISTING ZONING: The Property is currently zoned PUD, Planned Unit Development for Crimson Creek East, which was approved by the Norman City Council on December 23, 2008

pursuant to Ordinance O-0809-1 along with a Preliminary Plat for the same property that since expired. The existing land use designation under the Norman 2025 Land Use Plan is Medium Density Residential and no land use designation change will be sought for this project.

The property to the north is zoned R-1, Single-Family Residential. The property to the east is zoned C-O, Commercial Office District. The property to the west, across Oakhurst Avenue is zoned PUD, Planned Unit Development (for residential development). Several parcels further east are zoned C-2, General Commercial. Another undeveloped property further east is zoned A-2, Rural Agricultural. Directly south is developed I-1, Light Industrial by Hitachi.

ALTERNATIVES/ISSUES:

IMPACTS: There are no negative impacts expected with the development of this site. The property will be platted and meet all requirements to Final Plat.

OTHER AGENCY COMMENTS:

FIRE DEPARTMENT: Plan review for Fire will take place with the submittal of an application for building permit. Any required fire hydrants will be installed as required..

PUBLIC WORKS/ENGINEERING: Please see the attached report from Engineering.

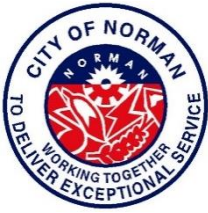
TRAFFIC ENGINEER: Please see the attached report from the Traffic Engineer. No traffic issues are anticipated due to the development.

UTILITIES: Public water and sewer are available to the site. Sanitation will work with the developer to provide adequate sanitation services for the site.

CONCLUSION: Staff forwards this request for rezoning from a PUD, Planned Unit Development to a SPUD, Simple Planned Unit Development as Ordinance No. O-2324-22 to the Planning Commission for consideration and recommendation to City Council.

File Attachments for Item:

40. CONSIDERATION OF ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF PP-2324-7: A PRELIMINARY PLAT FOR CRIMSON FLATS ADDITION, A SIMPLE PLANNED UNIT DEVELOPMENT. (GENERALLY LOCATED AT THE NORTHEAST CORNER OF IMHOFF ROAD AND OAKHURST AVENUE).



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: Ken Danner, Subdivision Development Manager

PRESENTER: Shawn O’Leary, Director of Public Works

TITLE: CONSIDERATION OF ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF PP-2324-7: A PRELIMINARY PLAT FOR CRIMSON FLATS ADDITION, A SIMPLE PLANNED UNIT DEVELOPMENT. (GENERALLY LOCATED AT THE NORTHEAST CORNER OF IMHOFF ROAD AND OAKHURST AVENUE).

BACKGROUND:

This item is a preliminary plat for Crimson Flats Addition, a Simple Planned Unit Development that is located at the northeast corner of Imhoff Road and Oakhurst Avenue. The preliminary plat proposes residential dwelling units for this property. The property consists of 4.99 acres with two lots. The Norman Board of Park Commissioners, at their meeting on October 5, 2023, recommended fee in lieu of park land. Planning Commission, at its meeting of October 12, 2023, recommended approval of Ordinance No. O-2324-22 placing this property in the SPUD, Planned Unit Development and removing it from PUD, Planned Unit Development. In addition, Planning Commission recommended approval of the preliminary plat for Crimson Flats Addition, a Simple Planned Unit Development to City Council.

DISCUSSION:

The proposed Affordable Housing Project, currently administered by the City of Norman, with forty one-bedroom units, eleven two-bedroom units, and twenty-four three-bedroom units is expected to generate approximately 540 trips per day, 36 AM peak hour trips, and 43 PM peak hour trips. The development is proposed for location on the northeast corner of the Oakhurst Avenue intersection with Imhoff Road. Being well below half of the threshold for when a traffic impact study is required (>100 peak hour trips is the threshold), the developer is not required to submit a traffic impact study with this application. On behalf of the developer, Traffic Engineering Consultants, Inc. submitted a traffic impact memorandum. No traffic operational issues are anticipated due to the development. The City of Norman is the developer of this project.

STREET	NO. OF LANES	BACKGROUND TRAFFIC (Veh/day)	PROJECTED TRAFFIC (Veh/day)	TOTAL PROJECTED TRAFFIC (Veh/day)	ROADWAY CAPACITY L.O.S. "E"	% CAPACITY USED (EXISTING)	% CAPACITY USED (PROJECTED)
Imhoff Road	3	3,093	486	3,579	18,900	16.37	18.94
Oakhurst Avenue	2	1,500	54	1,554	17,100	8.77	9.09

The proposed development will access Oakhurst Avenue from the east by one proposed, full access drive. The proposed development will also access Imhoff Road from the north by one proposed, full access driveway. The access points meet the driveway requirements in the City's Engineering Design Criteria. Capacity exceeds demand in this area. As such, no additional off-site improvements are anticipated.

Public improvements for this property consist of the following:

1. **Fire Hydrants**. Fire hydrants will be installed in accordance with approved plans and City standards. Their locations have been approved by the Fire Department.
2. **Drainage**. Storm water and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Runoff will be conveyed to privately-maintained detention facility.
3. **Sanitary Sewers**. Sanitary sewer is existing.
4. **Sidewalks**. Sidewalks will be required adjacent to Imhoff Road and Oakhurst Avenue.
5. **Streets**. Oakhurst Avenue is existing. Imhoff Road will be constructed in accordance with approved plans and City paving standards. Imhoff Road is classified as a Minor Urban Arterial.
6. **Water Mains**. Water mains will be installed in accordance with approved plans and City and Oklahoma Department of Environmental Quality standards to serve fire hydrants. There is an eight-inch (8") water main adjacent to Oakhurst Avenue and a 12-inch (12") water main adjacent to Imhoff Road.
7. **Public Dedications**. All rights-of-way and easements will be dedicated to the City with final platting.

STAFF RECOMMENDATIONS

Based upon the above information, staff recommends approval of the preliminary plat for Crimson Flats Addition, a Simple Planned Unit Development.

ITEM: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF PRELIMINARY PLAT FOR CRIMSON FLATS ADDITION, A SIMPLE PLANNED UNIT DEVELOPMENT.

LOCATION: Located at the northeast corner of the intersection of Imhoff Road and Oakhurst Avenue.

INFORMATION:

1. Owners. City of Norman.
2. Developer. Milestone Property Development.
3. Engineer. SMC Consulting Engineers, P.C.

HISTORY:

1. Refer to the Planning Commission Staff Report, October 12, 2023.
2. October 5, 2023. The Norman Board of Parks Commissioners, on a vote of 6-0, recommended fee in lieu of park land for Crimson Flats Addition, a Simple Planned Unit Development.
3. October 12, 2023. Planning Commission, on a vote of 6-0, recommended placing this property into the SPUD, Simple Planned Unit Development and removing it from PUD, Planned Unit Development.
4. October 12, 2023. Planning Commission, on a vote of 6-0 recommended to City Council that the preliminary plat for Crimson Flats Addition, a Simple Planned Unit Development be approved.

IMPROVEMENT PROGRAM:

1. Refer to the Planning Commission Staff Report, October 12, 2023.

PUBLIC DEDICATIONS:

1. Refer to the Planning Commission Staff Report, October 12, 2023.

SUPPLEMENTAL MATERIAL: Copies of an advisory memorandum, location map, preliminary site development plan, preliminary plat, plat Staff report recommending approval, and pertinent excerpts from the Planning Commission minutes are included in the Agenda Book.

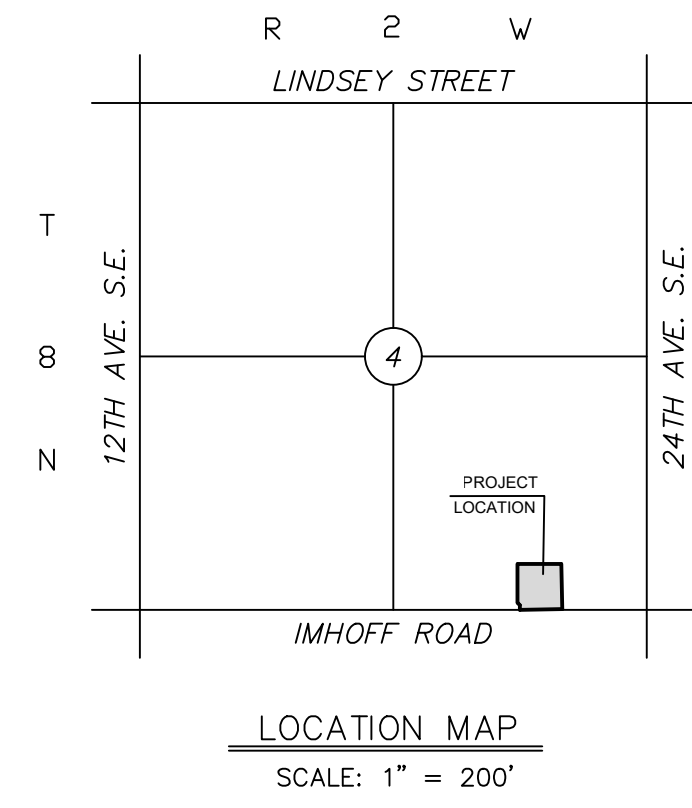
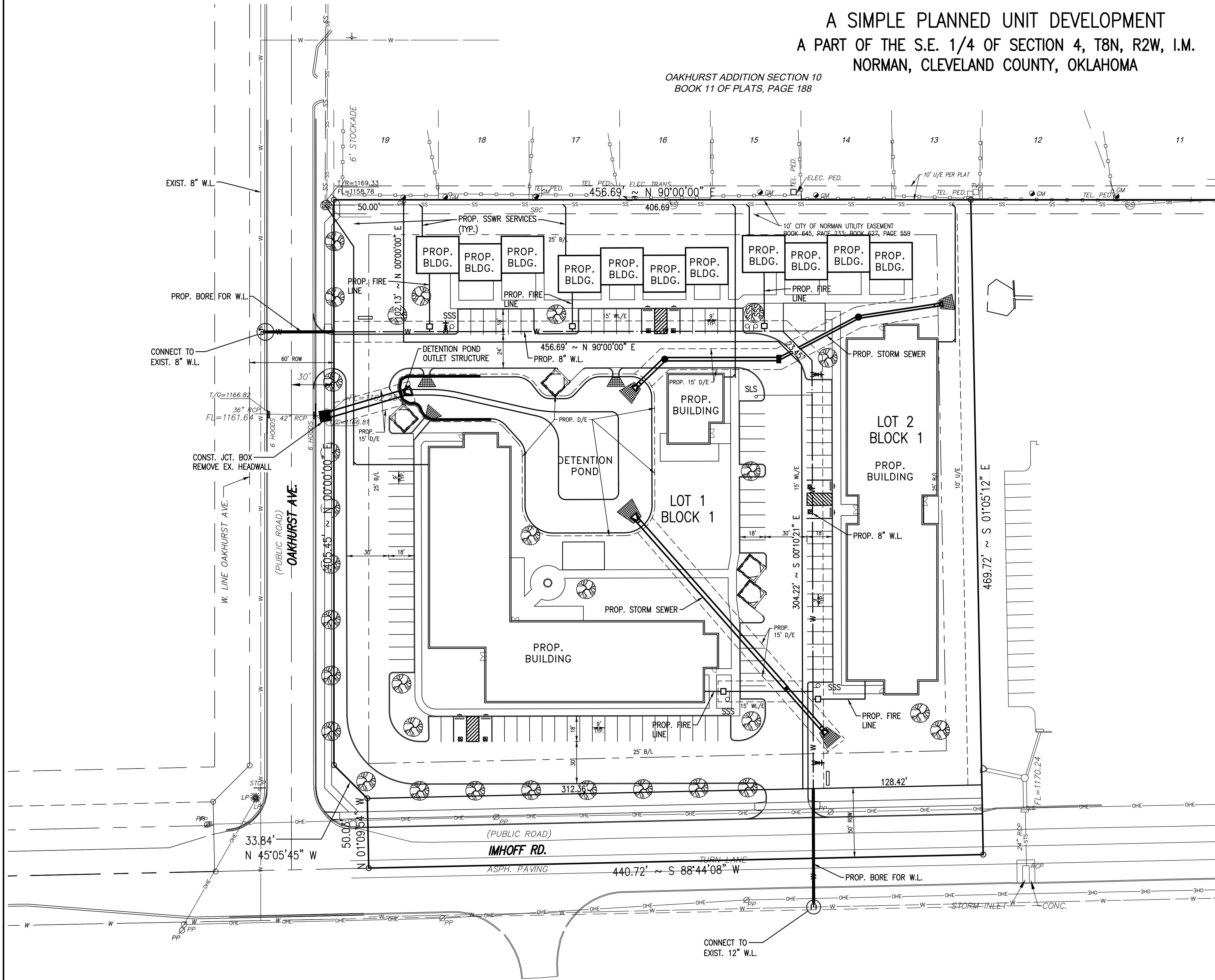
ACTION NEEDED: Motion to approve or reject the preliminary plat for Crimson Flats Addition, a Simple Planned Unit Development.

ACTION TAKEN: _____

Preliminary Site Development Plan CRIMSON FLATS

A SIMPLE PLANNED UNIT DEVELOPMENT
A PART OF THE S.E. 1/4 OF SECTION 4, T8N, R2W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA

OAKHURST ADDITION SECTION 10
BOOK 11 OF PLATS, PAGE 188



SCALE: 1" = 40'

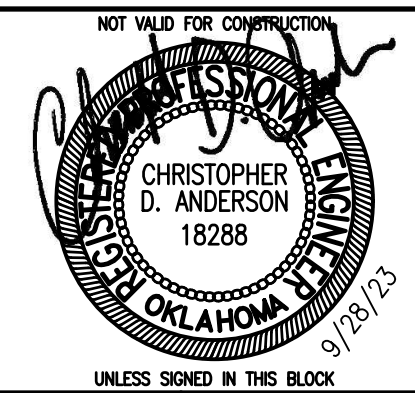
NOTES:

1. FIRE HYDRANTS WILL BE LOCATED AND INSTALLED IN ACCORDANCE WITH THE FINAL PLANS AND THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS.
2. ALL SANITARY SEWER LINES ARE PRIVATE AND WILL BE 8" DIA., UNLESS NOTED OTHERWISE.
3. ALL WATERLINES SHALL BE 8" UNLESS OTHERWISE NOTE.
4. ALL RADII SHALL BE 3' UNLESS OTHERWISE NOTED.
5. THE FIRE DEPARTMENT CONNECTION (FDC) SHALL BE LOCATED ON THE STREET SIDE OF ANY STRUCTURE. THE FDC SHALL BE LOCATED AND ARRANGED SO THAT THE HOSE LINES CAN BE READILY ATTACHED TO THE INLETS WITHOUT INTERFERENCE FROM OBJECTS. WHERE MOUNTED ON THE STRUCTURE'S FACADE, A DISTANCE NO GREATER THAN 100' SHALL BE BETWEEN THE FDC AND A FIRE HYDRANT. WHERE THEY ARE REMOTE FROM THE STRUCTURE SERVED, A DISTANCE NO GREATER THAN 50'.
6. FIRE LANE STRIPING: "NO PARKING FIRE LANE" MARKING SHALL CONSIST OF A SIX (6) INCH WIDE RED STRIPE ALONG THE CURB ON ALL SIDES OF THE BUILDING. THE WORDS "NO PARKING FIRE LANE" SHALL BE MARKED ON THE STRIPES IN FOUR (4) INCH HIGH WHITE LETTERS AT 25-FT. MAXIMUM INTERVALS. STRIPING AND LETTERS SHALL BE APPLIED ACCORDING TO THE CITY OF NORMAN. FIRE LANE & FIRE PROTECTION MUST BE APPROVED BY THE FIRE MARSHALL PRIOR TO BUILDING PERMIT BEING ISSUED. CONTRACTOR TO COORDINATE ALL FIRE LANE MARKINGS WITH THE NORMAN FIRE MARSHALL.
- 7) BUILDINGS WILL BE REQUIRED TO BE PROTECTED WITH AN AUTOMATIC SPRINKLER SYSTEM. THE FIRE VAULT WILL BE SHOWN ON FINAL PLAT SITE PLAN AND CONSTRUCTION PLANS.

STORM DRAINAGE DETENTION FACILITY EASEMENT

DRAINAGE DETENTION FACILITY EASEMENTS ARE HEREBY ESTABLISHED AS SHOWN TO PROVIDE FOR DETENTION OF STORM SURFACE WATER AND CONSTRUCTED AS APPROVED BY THE CITY ENGINEER. ALL MAINTENANCE WITHIN THE DRAINAGE DETENTION FACILITY EASEMENT SHALL BE THE RIGHT, DUTY AND RESPONSIBILITY OF THE PROPERTY OWNERS ASSOCIATION IN THE PLAT OF CRIMSON FLATS; HOWEVER, IF MAINTENANCE IS NEGLECTED OR SUBJECT TO OTHER UNUSUAL CIRCUMSTANCES AND IS DETERMINED TO BE A HAZARD OR THREAT TO PUBLIC SAFETY BY THE CITY, CORRECTIVE MAINTENANCE MAY BE PERFORMED BY THE GOVERNING JURISDICTION WITH COSTS ASSESSED TO AND BORN UPON SAID PROPERTY OWNERS ASSOCIATION. OFFICIALS REPRESENTING THE PUBLIC WORKS DEPARTMENT, SHALL HAVE THE RIGHT TO ENTER UPON THE EASEMENT FOR PURPOSES OF PERIODIC INSPECTION AND/OR CORRECTIVE MAINTENANCE OF THE FACILITY. UPON RECEIVING WRITTEN APPROVAL FROM THE PUBLIC WORKS DEPARTMENT, PROPERTY OWNERS ASSOCIATION MAY CONSTRUCT IMPROVEMENTS WITHIN THE EASEMENT, PROVIDED THE IMPROVEMENT DOES NOT INTERFERE WITH THE FUNCTION OF THE DETENTION FACILITY.

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CRIMSON FLATS
IMHOFF RD. & 24th AVE. SE
NORMAN, OKLAHOMA

SMC Consulting Engineers, P.C. 815 North Lincoln Norman, Oklahoma 73069 Phone: 405-232-7715 Fax: 405-232-7639 Website: www.smcok.com	Date: 08/20/2025 By: [Signature]
	Oklahoma Certificate of Authorization No. CA 464 Exp. 09/20/2025 No. 1 Revision: [Blank] Entered per: Staff Comments

PROJECT NO.: 6555.00
DATE: 8/30/23
SCALE: 1" = 40'
DRAWN BY: D.G.
ENGINEER: Christopher D. Anderson
P.E. NUMBER: 18288

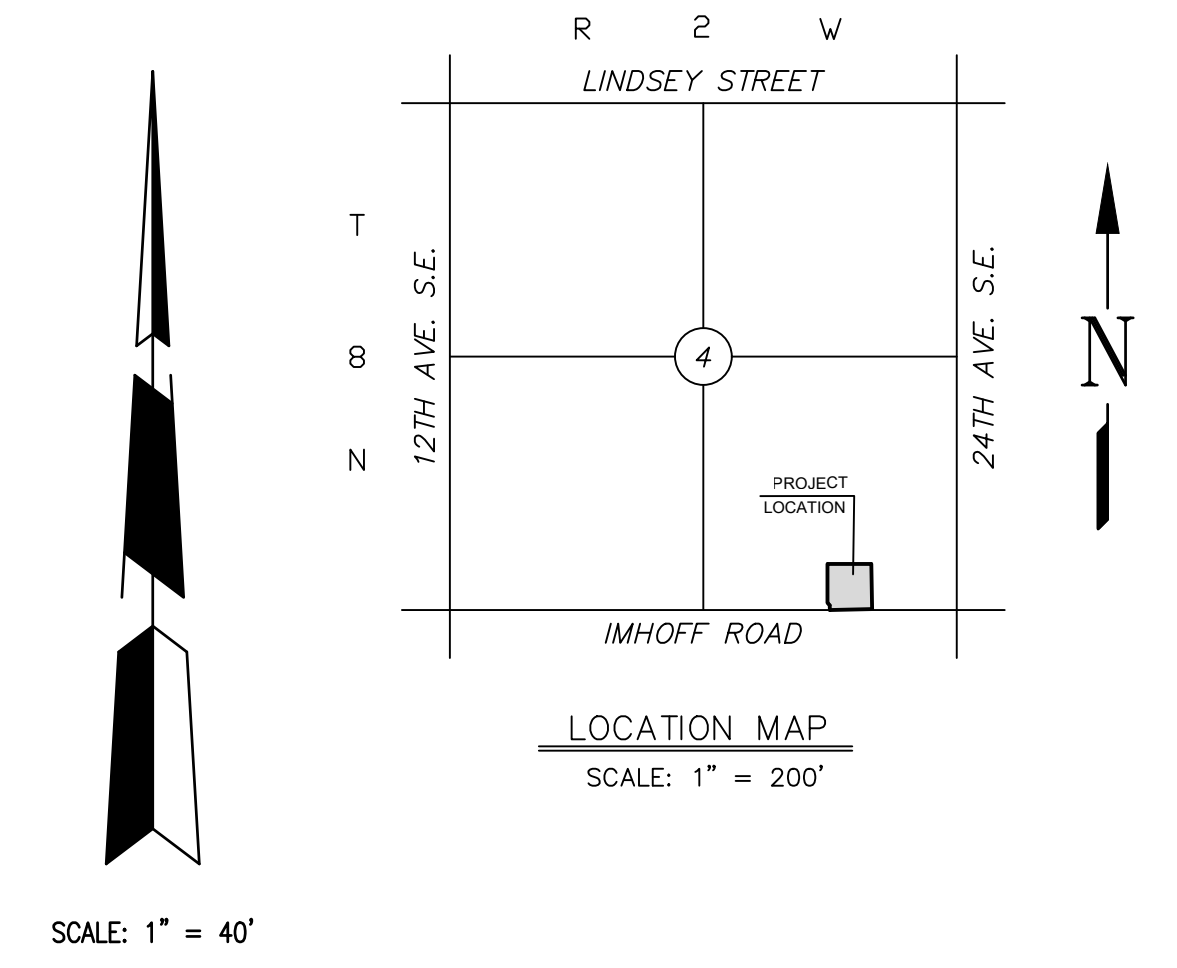
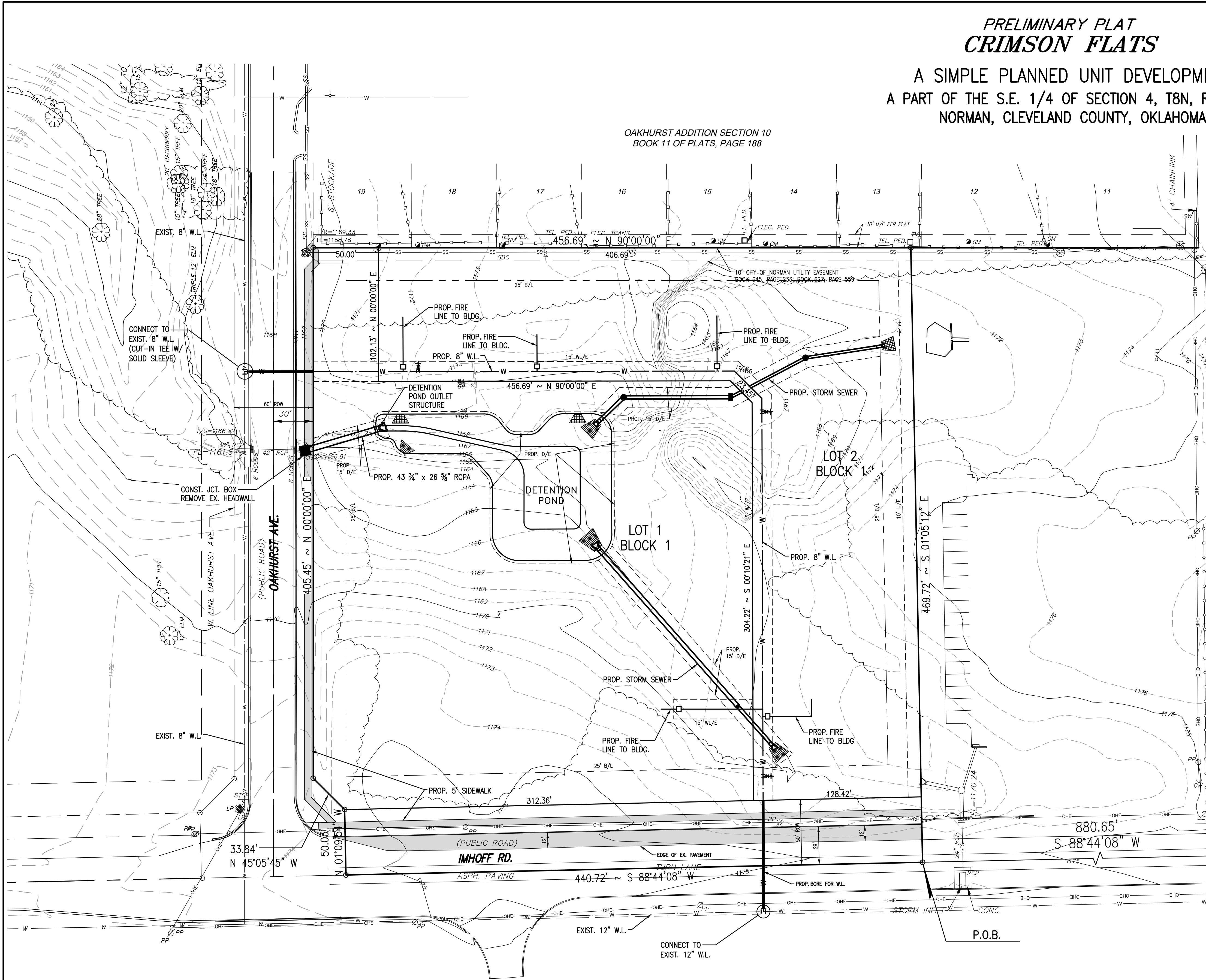
**Preliminary Site
Development Plan**

SHEET NO.
1

PRELIMINARY PLAT CRIMSON FLATS

A SIMPLE PLANNED UNIT DEVELOPMENT
A PART OF THE S.E. 1/4 OF SECTION 4, T8N, R2W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA

OAKHURST ADDITION SECTION 10
BOOK 11 OF PLATS, PAGE 188



LEGAL DESCRIPTION

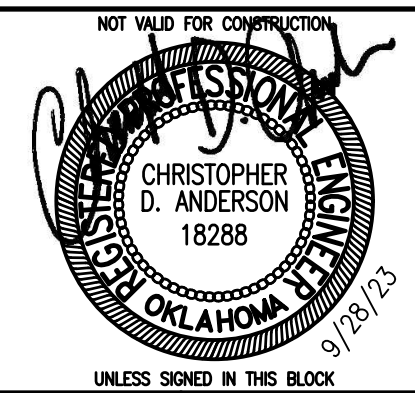
A tract of land lying in the Southeast Quarter (SE/4) of Section Four (4), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma and being more particularly described as follows:

COMMENCING at the Southeast corner of said SE/4; THENCE South 88°44'08" West along the South line of said SE/4 a distance of 880.65 feet to the POINT OF BEGINNING;

THENCE continuing South 88°44'08" West along said South line a distance of 440.72 feet; THENCE North 01°09'54" West a distance of 50.03 feet; THENCE North 45°05'45" West a distance of 33.84 feet to a point on the East right-of-way line of Oakhurst Drive; THENCE North 00°00'00" East along said East right-of-way line a distance of 405.45 feet; THENCE North 90°00'00" East a distance of 456.69 feet; THENCE South 01°05'12" East a distance of 469.72 feet to the POINT OF BEGINNING.

Said tract of land contains an area of 217,421 square feet or 4.99 acres, more or less.

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CRIMSON FLATS
IMHOFF RD. & 24th AVE. SE
NORMAN, OKLAHOMA

PROJECT NO.:	6555.00
DATE:	8/30/23
SCALE:	1" = 40'
DRAWN BY:	D.G.
ENGINEER:	Christopher D. Anderson
P.E. NUMBER:	18288
No.	
Revision	
1	Revised per Staff comments
By	
Date	08/29/23

PROJECT NO.: 6555.00
DATE: 8/30/23
SCALE: 1" = 40'
DRAWN BY: D.G.
ENGINEER: Christopher D. Anderson
P.E. NUMBER: 18288

Preliminary Plat

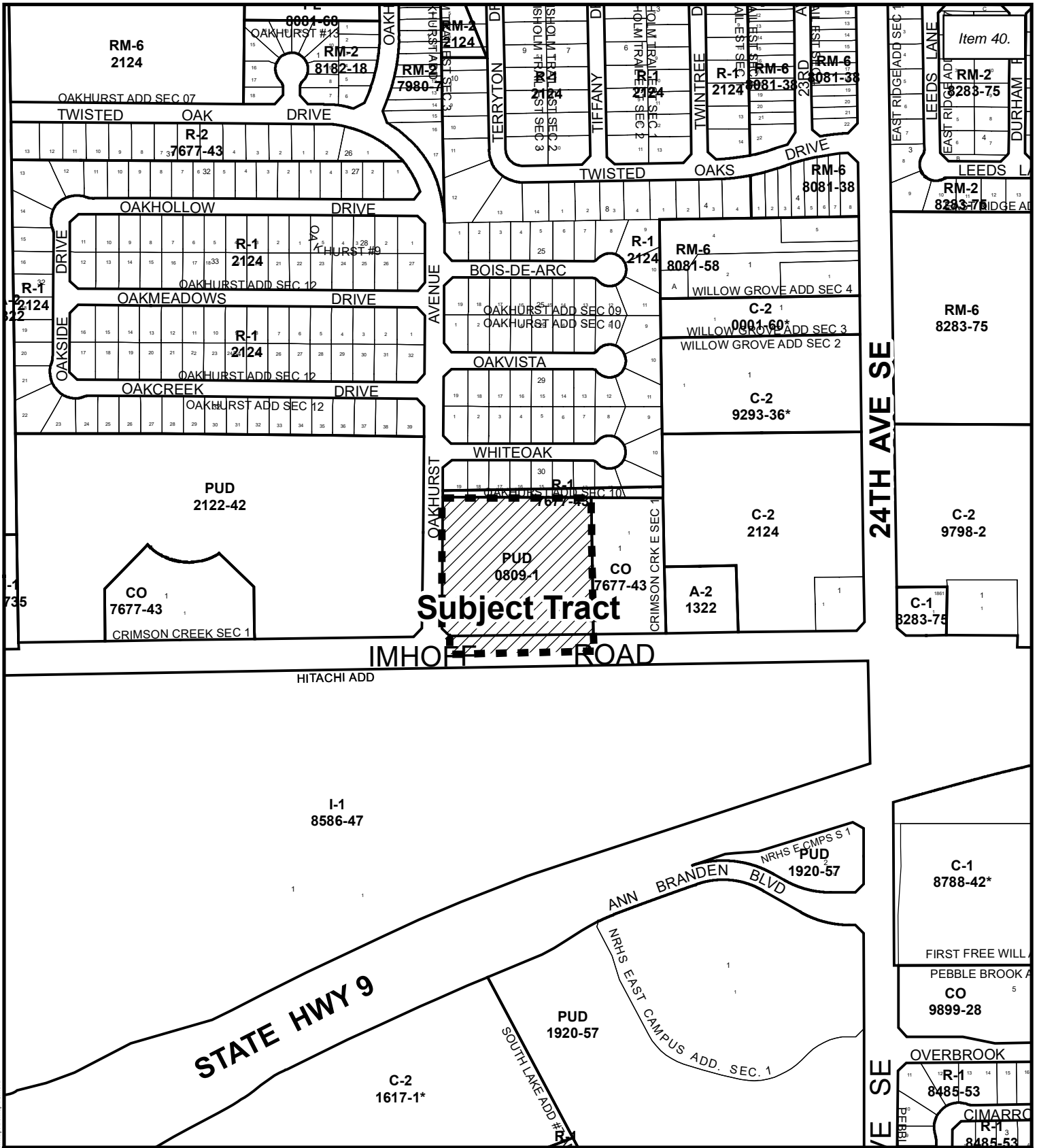
SHEET NO.
1

STORM DRAINAGE DETENTION FACILITY EASEMENT

DRAINAGE DETENTION FACILITY EASEMENTS ARE HEREBY ESTABLISHED AS SHOWN TO PROVIDE FOR DETENTION OF STORM SURFACE WATER AND CONSTRUCTED AS APPROVED BY THE CITY ENGINEER. ALL MAINTENANCE WITHIN THE DRAINAGE DETENTION FACILITY EASEMENT SHALL BE THE RIGHT, DUTY AND RESPONSIBILITY OF THE PROPERTY OWNERS ASSOCIATION IN THE PLAT OF 'CRIMSON FLATS'; HOWEVER, IF MAINTENANCE IS NEGLECTED OR SUBJECT TO OTHER UNUSUAL CIRCUMSTANCES AND IS DETERMINED TO BE A HAZARD OR THREAT TO PUBLIC SAFETY BY THE CITY, CORRECTIVE MAINTENANCE MAY BE PERFORMED BY THE GOVERNING JURISDICTION WITH COSTS ASSESSED TO AND BORN UPON SAID PROPERTY OWNERS ASSOCIATION. OFFICIALS REPRESENTING THE PUBLIC WORKS DEPARTMENT, SHALL HAVE THE RIGHT TO ENTER UPON THE EASEMENT FOR PURPOSES OF PERIODIC INSPECTION AND/OR CORRECTIVE MAINTENANCE OF THE FACILITY. UPON RECEIVING WRITTEN APPROVAL FROM THE PUBLIC WORKS DEPARTMENT, PROPERTY OWNERS ASSOCIATION MAY CONSTRUCT IMPROVEMENTS WITHIN THE EASEMENT, PROVIDED THE IMPROVEMENT DOES NOT INTERFERE WITH THE FUNCTION OF THE DETENTION FACILITY.

NOTES:

- 1) FIRE HYDRANTS WILL BE LOCATED AND INSTALLED IN ACCORDANCE WITH THE FINAL PLANS AND THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS. FIRE HYDRANTS WILL BE LOCATED WITHIN 3 TO 6 FEET OF CURB.
- 2) ALL SIDEWALKS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE FINAL PLANS AND THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS.
- 3) ALL WATER LINES TO BE 8" DIA. UNLESS NOTED OTHERWISE.
- 4) EXISTING ZONING IS CO.
- 5) STORMWATER DETENTION FOR THIS PROJECT MAY BE COORDINATED WITH AND CONSTRUCTED WITH THE CRIMSON CREEK PROJECT ON THE WEST SIDE OF OAKHURST ROAD.
- 6) BUILDINGS WILL BE REQUIRED TO BE PROTECTED WITH AN AUTOMATIC SPRINKLER SYSTEM. THE FIRE VAULT WILL BE SHOWN ON FINAL PLAT SITE PLAN AND CONSTRUCTION PLANS.
- 7) THE FIRE DEPARTMENT CONNECTION (FDC) SHALL BE LOCATED ON THE STREET SIDE OF ANY STRUCTURE. THE FDC SHALL BE LOCATED AND ARRANGED SO THAT THE HOSE LINES CAN BE READILY ATTACHED TO THE INLETS WITHOUT INTERFERENCE FROM OBJECTS. WHERE MOUNTED ON THE STRUCTURE'S FACADE, A DISTANCE NO GREATER THAN 100' SHALL BE BETWEEN THE FDC AND A FIRE HYDRANT. WHERE THEY ARE REMOTE FROM THE STRUCTURE SERVED, A DISTANCE NO GREATER THAN 50'. THIS WILL BE DESIGNED AT THE FINAL PLAT STAGE.
- 8) ACCESS FOR EMERGENCY VEHICLES WILL BE CONSTRUCTED ON OAKHURST AVENUE PER FIRE MARSHALL'S REQUEST. DRIVE SHALL BE CONSTRUCTED WITH GRASS PAVERS AND IS SHOWN ON THE PRELIMINARY SITE DEVELOPMENT PLAN.

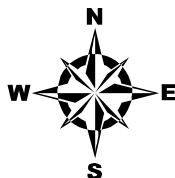


Subject Tract

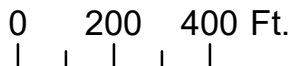
Location Map



Map Produced by the City of Norman Geographic Information System. The City of Norman assumes no responsibility for errors or omissions in the information presented.



September 6, 2023



Subject Tract

Planning Commission Agenda
October 12, 2023

PRELIMINARY PLAT
PP-2324-7

ITEM NO. 6

STAFF REPORT

ITEM: Consideration of a Preliminary Plat for **CRIMSON FLATS ADDITION, A SIMPLE PLANNED UNIT DEVELOPMENT.**

LOCATION: Located at the northeast corner of the intersection of Imhoff Road and Oakhurst Avenue.

INFORMATION:

1. Owners. City of Norman.
2. Developer. Milestone Property Development.
3. Engineer. SMC Consulting Engineers, P.C.

HISTORY:

1. October 18, 1961. City Council adopted Ordinance No. 1314 annexing this property into the Norman Corporate City Limits without zoning.
2. December 12, 1961. City Council adopted Ordinance No. 1322 placing this property in the A-2, Rural Agricultural District.
3. October 10, 1968. Planning Commission, on a vote of 8-0, recommended to City Council that this property be placed in R-1, Single-Family Dwelling District and removed from A-2, Rural Agricultural District.
4. December 17, 1968. City Council adopted Ordinance No. 2124 placing this property in R-1, Single-Family Dwelling District and removing it from A-2, Rural Agricultural District.
5. February 10, 1977. Planning Commission, on a vote of 8-0, recommended to City Council that this property be placed in CO, Commercial Office and removed from R-1, Single-Family Dwelling District.
6. February 10, 1977. Planning Commission, on a vote of 8-0, tabled the preliminary plat of Oakhurst Addition, Section 9.

7. March 1, 1977. City Council adopted Ordinance No. O-7677-43 placing this property in CO, Commercial Office and removing it from R-1, Single-Family Dwelling District.
8. March 10, 1977. Planning Commission, on a vote of 7-1, approved the preliminary plat for Oakhurst Addition, Section 9.
9. March 10, 1982. In accordance with the City Code, approval of the preliminary plat for Oakhurst Addition, Section 9, became null and void.
8. December 13, 2007. Planning Commission, on a vote of 6-0, recommended to City Council that the preliminary plat for Crimson Creek East Addition be approved.
9. February 26, 2008. City Council approved the preliminary plat for Crimson Creek East Addition with alley waiver.
10. July 10, 2008. Planning Commission, on a vote of 5-0, recommended to City Council that the NORMAN 2025 Land Use and Transportation Plan be amended to remove the property from Office Designation and place it in Medium Density Residential Designation.
11. July 10, 2008. Planning Commission, on a vote of 5-0, recommended to City Council that this property be placed in the Planned Unit Development and removed from CO, Suburban Office Commercial District.
12. July 10, 2008. Planning Commission, on a vote of 5-0, recommended to City Council that the revised preliminary plat for Crimson Creek East Addition be approved.
13. August 7, 2008. The Norman Board of Parks Commissioners, on a vote of 6-0, recommended fee in lieu of park land requirements.
14. August 26, 2008. City Council rejected the NORMAN 2025 Land Use and Transportation Plan designating this property as Medium Density Residential Designation and removing it from Commercial Office Designation.
15. August 26, 2008. City Council did not consider the rezoning and revised preliminary plat.
16. November 6, 2008. The Norman Board of Parks Commissioners, on a vote of 8-0, recommended private park for the revised preliminary plat for Crimson Creek East Addition, a Planned Unit Development.
17. November 13, 2008. Planning Commission, on a vote of 8-0, recommended to City Council that the NORMAN 2025 Land Use and Transportation Plan be amended to designate the property from Office Designation to Medium Density Residential Designation.

18. November 13, 2008. Planning Commission, on a vote of 8-0, recommended to City Council that this property be placed in the Planned Unit Development and removed from CO, Suburban Office Commercial District.
19. November 13, 2008. Planning Commission, on a vote of 8-0, recommended to the City Council that the revised preliminary plat for Crimson Creek East Addition, be approved.
20. December 23, 2008. City Council amended the NORMAN 2025 Land Use and Transportation Plan placing this property in the Medium Density Residential Designation and removing it from Office Designation.
21. December 23, 2008. City Council adopted Ordinance No. O-0809-1 placing this property in the PUD, Planned Unit Development and removing it from CO, Suburban Office Commercial District.
22. December 23, 2008. City Council approved the revised preliminary plat for Crimson Creek East Addition, a Planned Unit Development.
23. December 23, 2013. Approvals for the revised preliminary plat for Crimson Creek East Addition, a Planned Unit Development expired.
24. October 5, 2023. The Norman Board of Parks Commissioners is scheduled to consider the preliminary plat for Crimson Flats Addition, a Simple Planned Unit Development. Results of that consideration will be presented separately.
25. October 12, 2023. The applicant has requested rezoning this property from PUD, Planned Unit Development to SPUD, Simple Planned Unit Development.

IMPROVEMENT PROGRAM:

1. Fire Hydrants. Fire hydrants will be installed in accordance with approved plans and City Standards. Their locations have been approved by the Fire Department.
2. Sanitary Sewers. There is an existing sewer line to serve the property.
3. Sidewalks. Sidewalks will be required adjacent to Imhoff Road and Oakhurst Avenue.
4. Storm Sewers. Drainage structures will be installed in accordance with approved plans and City drainage standards. Storm water run off will be conveyed to a proposed privately-maintained detention facility.
5. Streets. Oakhurst Avenue is existing. Imhoff Road will be constructed in accordance with approved plans and City paving standards. Imhoff Road is classified as a Minor Urban Arterial

- 6. Water Mains. Water mains will be installed in accordance with approved plans and City and Oklahoma Department of Environmental Quality standards to serve fire hydrants. There is an eight-inch (8”) water main adjacent to Oakhurst Avenue. There is an existing 12-inch (12”) water main adjacent to Imhoff Road.

PUBLIC DEDICATIONS:

- 1. Easements. All required easements will be dedicated to the City on the final plat.
- 2. Rights-of-Way. All street rights-of-way will be dedicated to the City on the final plat.

SUPPLEMENTAL MATERIAL: Copies of a location map, site plan, and preliminary plat are included in the Agenda Book

STAFF COMMENTS AND RECOMMENDATION: The owner proposes residential dwelling units for this property. The property consists of 4.99 acres including open space. Staff recommends approval of the preliminary plat for Crimson Flats Addition, a Simple Planned Unit Development.

ACTION NEEDED: Recommend approval or disapproval of the preliminary plat for Crimson Flats Addition, a Simple Planned Unit Development to City Council.

ACTION TAKEN: _____

File Attachments for Item:

41. CONSIDERATION OF ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF CONTRACT K-2324-94: A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF NORMAN OKLAHOMA AND MILESTONE PROPERTY DEVELOPMENT, LLC, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY DOCUMENTS ON BEHALF OF THE CITY OF NORMAN TO EFFECTUATE THE TRANSACTIONS, INCLUDING ISSUANCE OF LETTERS OF COMMITMENT RELATING TO THE TRANSACTION AND BUDGET TRANSFER.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: Anthony Purinton, Assistant City Attorney

PRESENTER: Anthony Purinton, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF CONTRACT K-2324-94: A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF NORMAN OKLAHOMA AND MILESTONE PROPERTY DEVELOPMENT, LLC, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY DOCUMENTS ON BEHALF OF THE CITY OF NORMAN TO EFFECTUATE THE TRANSACTIONS, INCLUDING ISSUANCE OF LETTERS OF COMMITMENT RELATING TO THE TRANSACTION AND BUDGET TRANSFER.

BACKGROUND:

The City of Norman is in a very unique position to utilize a portion of the funding received from the American Recovery Program Act (ARPA) to address the shortage of affordable housing within our community. The City originally allocated 6.4 million dollars of its ARPA award to be used for Affordable Housing. The City used some of that funding to purchase real property located on the NE Corner of Imhoff and Oakhurst as a potential location for an affordable housing development. The City closed on the property in January 2023 and issued RFP-2223-62 in May 2023 seeking proposals for an affordable housing development using City ARPA funds in conjunction with Low Income Housing Tax Credit funding.

The Low-Income Housing Tax Credit (LIHTC) subsidizes the acquisition, construction, and rehabilitation of affordable rental housing for low- and moderate-income tenants. The LIHTC was enacted as part of the 1986 Tax Reform Act and has been modified numerous times. Since the mid-1990s, the LIHTC program has supported the construction or rehabilitation of about 110,000 affordable rental units each year.

Affordable Housing projects are eligible uses for ARPA/SLFRF funds, specifically being categorized as a presumptively eligible use that combats the public health and negative economic impacts of the pandemic when the funds are used in conjunction with the LIHTC program. If the project is using the SLFRF funds as a long-term loan and the project meets certain criteria, the repayment on such loans are not subject to program income rules, meaning the City can retain those funds once repaid by the developer.

On October 24th, 2023, City Council unanimously approved an initial term sheet agreement between the City and the selected developer, which set out overall terms to be included in the eventual final contracts. This contract, K-2324-94, is the Disposition and Development agreement between the City and the Developer, Milestone Property Development, which sets out the responsibilities of the City and Developer in much greater detail than the term sheet. An overview of the key contract terms contained in this agreement are outlined below.

DISCUSSION:

All key terms of this agreement are consistent with the Term Sheet Agreement which City Council approved on 10/24/23 in anticipation of further, more detailed, agreements between the parties. This Disposition and Development Agreement formalizes and expands upon most of those terms contained in the Term Sheet, resulting in a more detailed agreement. Future agreements will still be necessary, such as agreements relating to the City's financing of the project using SLFRF funds. An overview of the key parts of the agreement can be summarized as follows:

Sale of Property to Developer, Milestone Property Development

The City agrees to convey the property to the Developer under certain conditions (as discussed below). To meet certain regulatory requirements, the property is being split into two separate lots, which will be conveyed to the Developer at a later date after securing federal affordable tax credit financing. The Developer will purchase the properties for a total amount of \$525,000.00, which is the same amount the City purchased the property for earlier this year.

Development of an Affordable Housing Project

The developer agrees to design, construct, finance, own, and manage a 75-unit affordable housing development. The contract sets out minimum development requirements, such as setting minimum HERS ratings, requiring compliance with the City's visitability program, and setting aside at least 10 units for project-based vouchers. The agreement contains several levels of protections to ensure compliance with federal, state, and local regulations.

City to Complete Site Work on Property Before Sale

In addition to its SLFRF loan, the City agrees to perform preliminary site work of the property prior to conveyance of the property. This work includes installing some infrastructure for the project, such as the widening of Imhoff road. The total commitment of the City for the site work shall not exceed \$500,000.00.

Construction of Development

As part of the Developer's agreement to construct the project, several protections have been put in place. The agreement requires the Developer to provide the City with a wide range of documentation evidencing that the Developer has secured all necessary construction contracts, financing, and performance bonds prior to the start of the construction. The Developer must complete the project either by August 31, 2026 (if the project is funded in round one of the 2024 tax credit financing awards) or by October 31, 2026 (if project is funded in round two of the 2024 tax credit financing awards).

Affordability Restrictions

The developer is required to maintain the units at a certain level of affordability for households making 30%-60% or less of the area median income (AMI) for the City of Norman. The affordability requirements must be maintained for forty (40) years from when the development receives its certificate of occupancy. The developer must also file a Declaration of Affordability Requirements, a restrictive covenant running with the land, to ensure compliance during the affordability period. These restrictions are also contained in the deed of the property, the form of which is attached to the agreement.

Funding

The developer will receive a long-term loan from the City using its SLFRF funds with an aggregate amount of \$5,500,000.00 at 3% interest paid over 30-years. The loan will not be amortized, but will be repaid as 75% of the development's annual surplus cash. This loan shall be repaid in the event that the project fails to meet the affordability requirements or upon sale of the property. More detailed loan agreements will be finalized and brought back to Council for approval closer to the closing date.

The developer is required to apply and receive tax credit funding through the Oklahoma Housing Finance Agency. The developer has two chances to apply for funding in 2024. If the developer is not successful in obtaining funding through OHFA, the City has the right to terminate all agreements between the two parties. Due to SLFRF requirements, the developer must be successful in obtaining financing through OHFA in order for the City to finance the project using SLFRF funds.

Construction

The agreement contains several construction benchmarks for the developer to meet after obtaining OHFA funding. The completion deadline for the project depends on which application period the project was funded in: if funded during the first round, the completion deadline is August 31, 2026; if fully funded during the second round, the deadline is October 31, 2026.

Prohibition on Transfer

The agreement requires the developer to obtain approval from the City prior to transferring the property to another entity that is not already associated with the developer or tax credit investors.

Funds are available for the SLFRF loan (in the amount of \$5,500,000.00) in ARPA Miscellaneous-Other (account 22330303-45799). City Council has already re-allocated funds for the \$500,000.00 for the City's contribution to the property's site work when it approved item K-2324-89 (Asp Ave Parking Lot Purchase - account BG0255-LAND – 50594908-46001). These funds need to be transferred to a new project created for this purpose.

RECOMMENDATION 1:

Staff recommends that City Council approve contracts K-2324-94. In addition, Staff recommends City Council authorize the City Manager or his designee to execute any documents on behalf of

the City of Norman to effectuate the transactions, including issuance of letters of commitments relating to the transaction.

RECOMMENDATION 2:

Staff recommends that City Council transfer \$500,000 from the Asp Ave Parking Lot Purchase project (account BG0255-LAND – 50594908-46001) to the Imhoff & Oakhurst Property Prep project (account BG0091-LAND – 50193395-46002).

DISPOSITION AND DEVELOPMENT AGREEMENT

BETWEEN

THE CITY OF NORMAN, OKLAHOMA
a municipal corporation

AND

MILESTONE PROPERTY DEVELOPMENT, LLC,
an Oklahoma limited liability company

DATED: NOVEMBER __, 2023

DISPOSITION AND DEVELOPMENT AGREEMENT
(Crimson Flats)

This DISPOSITION AND DEVELOPMENT AGREEMENT (this “Agreement”) is made on or as of the ____ day of November, 2023 (the “Effective Date”), by and between the CITY OF NORMAN, OKLAHOMA, a municipal corporation (“City”), and Milestone Property Development, LLC, an Oklahoma limited liability company (“Developer”). The City and Developer are sometimes referred to herein individually as a “Party” or collectively as the “Parties.”

RECITALS

A. The City has received a federal allocation of Coronavirus State and Local Fiscal Recovery Funds (“SLFRF”) provided under the American Rescue Plan Act of 2021 (“ARPA”), and said allocation is intended to provide support to the City in responding to and containing the impact of the COVID-19 public health emergency on the City’s communities, residents, and businesses.

B. The City Council of the City of Norman (“City Council”) has identified the existence of a shortage of affordable housing in its community and has designated the use of a portion of the City’s SLFRF program funds, in the amount of \$6.4 million, to acquire certain real property in Norman and support the construction and development of an affordable housing development on that property.

C. The City previously acquired, utilizing the City’s SLFRF program funds, a certain 4.96-acre tract of real property located generally at the northeast corner of Imhoff Road and Oakhurst Road (“Property”), which is more particularly described on Exhibit A attached hereto and incorporated herein by this reference.

D. The City previously issued a request for proposals (“RFP”) seeking an experienced low-income housing tax credit developer to design, construct, finance, own, and manage a new affordable housing project on the Property, to ensure successful completion of the City’s affordable housing goals.

E. A selection committee reviewed and evaluated the responses received in response to the RFP, conducted interviews, and recommended the award of the proposal submitted by the Developer.

F. The Developer represented itself, both in its response (“Proposal”) and its interview (“Interview”), as an expert in the field of affordable housing development with skilled professionals willing, able, and capable of timely providing the development and services requested and required by the City in the RFP.

G. Based upon the representations and commitments expressed by the Developer, both in the Proposal and the Interview, the selection committee has recommended the Developer.

H. Developer has proposed to acquire the Property from the City and to design,

construct, finance, own and manage a new 75-unit affordable housing development, comprised of five buildings and related amenities in accordance with the minimum development requirements and criteria set forth in this Agreement.

I. City staff, its legal counsel and Developer have negotiated a term sheet framing the key terms of the parties’ respective agreements and obligations.

J. Developer is willing and capable of carrying out the responsibilities contemplated and implied under the term sheet, deems it desirable to enter into agreement with the City, and commits to providing housing for low- and moderate-income individuals and families pursuant to the terms and conditions of this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the promises and mutual obligations herein set forth, the City and Developer agree as follows:

1. PROPERTY; SCOPE OF PROJECT; CONSIDERATION.

1.1. Property. The Property is comprised of two contiguous lots, generally described as Lot 1 and Lot 2 on Exhibit A attached hereto; however, the Project (defined in Section 1.2) shall be developed as one cohesive affordable housing development. The legal description of the Property described on Exhibit A is subject to adjustment as to exact boundaries, dimensions, and interests and final determination based on the approved final plat, Design Development Documents, surveys, description of exceptions and reservations, requirements of related agreements, and establishment or confirmation of appurtenant easements necessary or appropriate to serve the Project.

1.2. Project. The Developer agrees it shall design, construct, finance, own and manage a new 75-unit affordable housing development, comprised of five buildings and related amenities on the Property that meets all requirements imposed on the Property by the Property’s underlying SPUD, all applicable City and Federal requirements, the adopted Master Plan, and in accordance with the minimum development requirements and criteria described below (collectively, the “Project”). The Project consists of all the Property and all improvements thereon as described in the approved Construction Documents including: (a) at least seventy-five (75) living units, subject to the Affordability Requirements described in Section 6 of this Agreement; (b) forty (40) one-bedroom units (each approximately 700 square feet), eleven (11) two-bedroom units (each approximately 950 square feet), and twenty-four (24) three-bedroom units (each approximately 1,150 square feet), ranging from traditional one-bedroom apartments to two-story three-bedroom townhomes; (c) all units shall have in-unit washer and dryer units, a garbage disposal, and dishwasher; (d) each bedroom and living area shall have a combined ceiling fan/light; (e) each building shall include a lobby for tenant mailboxes; (f) a large community outdoor space at the center of the Property, with a playground, gardening areas and green space shall be included; (g) a HERs rating less than or equal to a score of eighty (80) shall be achieved, as evidenced by a report from a Certified Home Energy Rater that conducted a post-construction inspection of the Project; (h) a storm shelter or safe room shall be constructed in accordance with the most recent State of Oklahoma Building Code requirements, which shall accommodate all possible residents

based on the total number of bedrooms; (i) all units constructed at ground level shall incorporate the City’s Visitability Program requirements; (j) the final building, site layout, and accessibility shall be substantially consistent with the preliminary site development plan and preliminary plat attached hereto as Exhibit B; (k) the building facades shall be at least 60% brick or stone; the remainder shall be comprised of cement type boards; (l) ten (10) units shall be available for project-based vouchers; and (m) public streetscaping, landscaping, and signage conforming to the requirements of the Master Plan and City Code. To ensure the Project is completed, the City has agreed to provide certain financial assistance to the Developer, in the form of two separate loans from the City’s available SLFRF program funds (the “SLFRF Loans”), subject to the terms and conditions of loan agreements between the City and Developer and other loan documents.

1.3. Property Subject to Development. The Developer shall have the exclusive right to construct and develop the Property in accordance with the terms and conditions of this Agreement. The Property is currently owned by the City and shall be conveyed by the City to the Developer in accordance with the terms and conditions set forth in this Agreement. The Property shall be subject to the obligations of this Agreement and the covenants contained in the Declaration of Affordability Requirements described in Section 6 below.

1.4. Sale; Purchase Price. Subject to the terms, covenants and conditions of this Agreement, the City agrees to sell the Property to the Developer, and the Developer agrees to purchase the Property from the City. The Property is comprised of two contiguous lots, described as Lot 1 and Lot 2 on Exhibit A attached hereto. The total purchase price to be paid by the Developer to the City for the Property is Five Hundred Twenty-Five Thousand and No/100 Dollars (\$525,000.00) (“Purchase Price”). The Purchase Price allocation for each Lot is as follows:

- Lot 1 Purchase Price: \$245,000
- Lot 2 Purchase Price: \$280,000

Additionally, the Developer shall perform or cause to be performed the obligations imposed on it with respect to the development of the Property.

1.5. Relationship of the Parties. The undertaking of this Agreement is a complex process that will require the mutual cooperation of the parties and their timely actions on matters that are appropriate or necessary to implement this Agreement. The Parties will use their best efforts in good faith to perform and assist each other in performing their respective obligations in accordance with this Agreement. This Agreement specifically does not create any partnership or joint venture between the Parties, nor render any Party liable for any of the debts or obligations of any other Party.

2. TITLE REVIEW; INSPECTIONS; CONVEYANCE OF THE PROPERTY.

2.1. Existing Survey. Attached hereto as Exhibit C is a copy of the ALTA/NSPS Survey dated April 28, 2023, prepared by William Sullivan, P.L.S. of Lemke Land Surveying for the City.

2.2. Developer Title and Survey Review. Within ten (10) days of the Effective Date, the City will order a title commitment from the Title Company (defined in Section 2.6 below) for the

issuance of an ALTA Form B Owner’s Policy of Title Insurance in a coverage amount as the Developer may request (“Title Policy”), insuring title to the Property with such endorsements as may be requested by Developer, subject to the Permitted Exceptions (“Title Commitment”). The Title Commitment will show the status of title to the Property in accordance with the Title Examination Standards of the Oklahoma Bar Association and will include a copy of each document that is the basis for an exception to coverage in the Title Commitment (collectively, the “Exception Documents”). If desired, Developer may obtain its own survey or an updated survey of the Property, at Developer’s cost (“Survey”), provided if the Survey is obtained by Developer for purposes of review under this Section 2.2, such Survey shall be obtained by Developer no later than fifteen (15) days of receipt of the Title Commitment and Exception Documents. If the Survey is thereafter obtained, such delay shall not delay the date by which Developer shall deliver the Title Objections to the City. Within twenty (20) days from Developer’s receipt of the Title Commitment and the Exception Documents, and the Survey, if applicable, Developer shall notify the City in writing of any objections the Developer has to any matters appearing or referred to in the Title Commitment or Survey, if applicable (“Title Objections”). Any exceptions or other matters in the Title Commitment or Survey, if applicable, to which the Developer does not object in writing during such 20-day period will be deemed Permitted Title Exceptions to the City’s title to the Property, and will be listed as Permitted Title Exceptions to the Deed (defined in Section 2.5). The City will have thirty (30) days from receipt of Developer’s Title Objections (the “Response Period”) to provide written notice to Developer indicating whether or not the City will cure such objections on or before the Closing Date, provided that the City shall not be required cure to incur more than de minimis expenses to cure the Title Objections. As used herein, the term “de minimis expenses” shall mean \$1,000. If the City fails to so notify Developer within the Response Period that the City will cure such Title Objections on or before the Closing Date or notifies Developer that the City will not cure such Title Objections on or before the Closing Date, Developer shall have the option to either (i) waive any Title Objections and proceed to Closing without reduction of the Purchase Price, or (ii) terminate this Agreement by delivery of a Termination Notice. Developer shall notify the City of its election within five (5) days following the expiration of the Response Period (the “Election Period”). If Developer fails to notify the City within the Election Period of its election of either alternative (i) or (ii), Developer shall will be deemed to have elected alternative (i). If the Developer elects to deliver a Termination Notice, then neither party will have any additional liability to or claim against the other by reason of this Agreement except for any indemnities or obligations that expressly survive termination of this Agreement.

2.3. Property Access. The City has previously provided Developer with a copy of the Phase I Environmental Assessment dated February 16, 2023, revised February 23, 2023, prepared by Daphne D. Summers, M.S., of Redbud Environmental, LLC. The City hereby authorizes Developer and Developer’s consultants, engineers, contractors, representatives, and agents (collectively, “Developer’s Consultants”) to enter onto the Property at all times from and after the Effective Date and prior to Closing to examine and perform investigations of the Property, which may include soil tests, environmental and engineering tests related thereto, to request and obtain documents from the City regarding the Property, and to otherwise conduct such due diligence review of the Property as Developer deems appropriate in connection with the anticipated acquisition and development of the Property. If the Developer proposes to make any tests in connection with any environmental report or any other test which involves drilling, boring or other

similar intrusive or invasive action on or under the Property, then the Developer will obtain the City’s written consent prior to making any such tests. All investigations and other activities conducted by Developer or Developer’s Consultants shall be performed at Developer’s sole cost and expense, and Developer shall keep the Property free and clear of any liens which may be asserted against the City or the Property as a result of Developer’s activities. Upon receipt, the Developer shall furnish to the City copies of any and all reports, conclusions or analysis including, without limitation, any environmental report, concerning the Property performed by, or on behalf of, the Developer.

2.4. Limitations; Indemnity. The Developer shall exercise due care and prudence in performing inspections of the Property. Developer shall promptly repair all physical damage caused to the Property by Developer or Developer’s Consultants to the substantially similar condition that existed immediately prior to said inspection. Such repair obligation shall survive the termination of this Agreement should Developer elect to not proceed to Closing. Developer shall indemnify, defend and hold harmless the City from all claims, liens, actions, suits, proceedings, costs, expenses, damages and other liabilities, including, without implied limitation, reasonable attorneys’ fees and litigation expenses incurred by the City arising out of the Developer’s exercise of any right to inspect the Property.

2.5. Form of Deed; Other Closing Deliveries. Upon satisfaction of the conditions in Section 3 of this Agreement, the City will convey to the Developer good and marketable title in fee simple to the Property by special warranty deed (whether one or more, the “Deed”) in substantially the form attached as Exhibit D to this Agreement. Such conveyance of title will be subject to exceptions to fee simple title to the Property which are listed as exceptions in the Title Commitment, as approved, or waived as a Title Exception by the Developer pursuant to Section 2.2 (the “Permitted Title Exceptions”). On or before the consummation of the purchase and sale of the Property (“Closing”), the City and Developer shall take such actions and deliver to the other such instruments, items, and documents as are necessary to carry out the purposes of this Agreement, including such affidavits, certificates or other documents as may be reasonably required by the Title Company to close the transactions contemplated by this Agreement and for the issuance of the Title Policy to the Developer.

2.6. Time and Place for Delivery of Deed. Provided this Agreement has not been previously terminated, the Closing shall occur on a date designated by the City, but not later than thirty (30) days following the satisfaction of the Conditions Precedent described in Sections 3.3 through 3.16 of this Agreement (“Closing Date”). The City will deliver the Deed and possession of the Property to the Developer on the Closing Date, provided the conditions precedent in Section 3 of this Agreement have been satisfied. The Deed will be delivered at the principal office of the Title Company, and the Developer (or designee) will accept such conveyances. On the Closing Date, Developer shall pay to the City the Purchase Price for the Property. As used herein, “Title Company” means Chicago Title Oklahoma, 3401 N.W. 63rd Street, Suite 300, Oklahoma City, Oklahoma 73116.

2.7. Apportionment of Property Taxes; Other Prorations. The City is a tax-exempt entity so there will be no requirement to apportion ad valorem taxes at Closing. The portion of the current taxes, if any, on the Property on the date of delivery of the Deed to the Developer allocable to the

Property conveyed will be borne by the City. However, the Developer will pay all ad valorem taxes accruing to the Property after the Property is returned to the tax rolls as a result of the contemplated transfer pursuant to this Agreement.

2.8. Recordation of Deed and Declaration of Affordability Requirements; Closing Costs. The Title Company will promptly cause the Deed and immediately thereafter the Declaration of Affordability Requirements, pursuant to Section 6.3 of this Agreement, to be recorded in the land records of Cleveland County, Oklahoma. The Developer will pay: (a) all costs required by law as an incident to recording the Deed, including recording fees and documentary stamp taxes (if any); (b) the costs of obtaining any written commitments obligating the Title Insurer to issue the Title Policy on satisfaction of the requirements set forth in the commitment, including all title examination costs of the Title Company; (c) the premium for the Title Policy; (d) if desired or requested by the Developer, the cost of a survey of the Property; (e) the Title Company’s fees for closing the transaction contemplated by this Agreement; and (f) the Developer’s accounting, legal and other expenses associated with the transactions contemplated by this Agreement, whether or not such transactions are consummated.

3. OBLIGATIONS OF THE PARTIES.

3.1. Generally. Developer agrees not exercise its right to acquire title to the Property, or any portion thereof, pursuant to the Option Agreements authorized by the City in Section 13 of this Agreement, and the City will have no obligation to convey title to the Property, or any portion thereof, to the Developer, unless and until the obligations in this Section 3 shall have been performed to the City’s satisfaction and within the time frames established below. Notwithstanding any other provision of this Section 3, the City will use reasonable efforts to (a) complete each review within thirty (30) days after the receipt of the documents and materials described below, (b) schedule a prompt meeting with the Developer or give prompt written notice of any objections by staff, and (c) issue the City’s approval, rejection, or further requirements immediately following any decisive actions taken by the City through its designated boards, commissions, or City Council.

3.2. Construction of Certain Public Improvements. Prior to Closing, the City will have completed, or cause to be completed, a portion of the Project’s site work. The City will perform, or cause to be performed: (a) the widening Imhoff Road pursuant to roadway plans and specifications to be prepared by SMC Consulting Engineers, P.C. (“SMC”) and approved by the City (“Roadway Plans”); (b) certain waterline improvements and sanitary sewer improvements pursuant to utility plans and specifications prepared by SMC and approved by the City (“Utility Plans”); and (c) certain drainage improvements pursuant to stormwater plans and specifications prepared by SMC and approved by the City (“Stormwater Plans”), collectively, the “Site Work.” The Site Work is generally described in the preliminary cost estimate attached hereto as Exhibit E and incorporated herein by reference but will be more specifically detailed and described in the Final Site Work Plans (defined below) approved by the City. All other public and private improvements for the Project shall be constructed by the Developer pursuant to Construction Documents approved by the City. In no event shall the City’s cost in performing, or causing to be performed, the Site Work exceed Five Hundred Thousand and No/100 Dollars (\$500,000.00). (“Site Work Cost Limit”). The Site Work Cost Limit shall include the costs incurred by the City

to prepare and finalize the Roadway Plans, Utility Plans, and Stormwater Plans, prepare bid documents and let contracts for the Site Work.

3.3. Submission of Design Development Documents. Not later than ninety (90) days prior to the Commencement Date (defined in Section 4), Developer shall prepare or have prepared Design Development Documents for submission to the City, and the City will review and approve the same under its prescribed practices and procedures. Design Development Documents will consist of drawings and other documents to fix or describe the size and character of the Project to be constructed as to structural, mechanical and electrical systems, materials, colors, and other such essentials as may be determined by the City to be appropriate under its standard plan review procedures.

3.4. Submission of Construction Documents. Not later than sixty (60) days prior to the Commencement Date, Developer shall prepare or have prepared Construction Documents for submission to the City, and the City will have reviewed and approved the same under its prescribed practices and procedures. Construction Documents shall consist of the Design Development Documents, the form of any proposed construction contract between the Developer and its general contractor or construction manager, and the specifications referenced in that contract. The City may approve Construction Documents in sufficient detail to permit fast-track construction.

3.5. Construction Contract(s). Not later than thirty (30) days prior to the Commencement Date, Developer shall provide the City with the construction contract(s) for the work to complete the Project.

3.6. Submission of Evidence of Tax Credit and Equity Financing. Not later than thirty (30) days prior to the Commencement Date, Developer shall submit evidence, satisfactory to the City, that the Developer has the tax credit, equity capital, and any such other financial commitments as may be necessary for the completion of the Project and compliance with the provisions of this Agreement. The Developer will be responsible for any project costs or overruns based on the specific project Sources and Uses submitted in conjunction with the evidence submitted pursuant to this Section.

3.7. Payment and Performance Bonds. Not later than fifteen (15) days prior to the Commencement Date, Developer shall provide the City with the payment and performance bonds of its general contractor or construction manager, in form, substance and amount acceptable to the City (with dual obligee rider to the performance bond in favor of the City) covering any contractors, subcontractors, and materialmen involved or expected to be involved in the construction of the Project, as follows:

Maintenance Bond. A good and sufficient Maintenance Bond shall be required in an amount equal to one hundred percent (100%) of the total amount of the public improvements to be constructed as part of the Project and dedicated to the City, guaranteeing such improvements against defective workmanship and/or materials for a period of one (1) year from and after the time of completion and acceptance by the City of said improvements.

Performance Bond. A good and sufficient Performance Bond shall be required in an amount equal to one hundred percent (100%) of the total amount of improvements to be constructed as part of the Project, guaranteeing execution and completion of the work in accordance with the specifications.

Statutory Bond. A good and sufficient Statutory Bond shall be required in an amount equal to one hundred percent (100%) of the improvements to be constructed as part of the Project, guaranteeing payment in full for all materials and labor used in the construction of the such work..

3.8. Permits. Not later than fifteen (15) days prior to the Commencement Date, Developer shall have obtained all permits and approvals necessary to commence and complete construction of the Project.

3.9. Insurance. Not later than fifteen (15) days prior to the Commencement Date, Developer shall provide the City with certificates of insurance evidencing the policies of insurance required by Exhibit F attached hereto and made a part hereof.

3.10. Lien Perfection and Priority. Not later than fifteen (15) days prior to the Commencement Date, the City shall receive evidence satisfactory to the City that after construction is complete and Tax Exempt Bonds are paid in full, the City's lien on the Property created under the Mortgage and Security Agreement shall be valid, enforceable, and properly perfected.

3.11. Declaration of Affordability Requirements. Not later than the Closing Date, Developer shall have delivered to the Title Company for recording on the Closing Date the original executed Declaration of Affordability Requirements pursuant to Section 6.3 of this Agreement.

3.12. No Material Adverse Change. There shall not have occurred any circumstances or events that (a) would have a material adverse effect upon the validity or enforceability of this Agreement, (b) is or could reasonably be expected to become material and adverse to the business condition or prospects (financial or otherwise), assets, properties, or operations of Developer, (c) could reasonably be expected to materially impair the ability of Developer to fulfill its obligations hereunder, or (d) causes an Event of Default or an event that with the giving of notice or passage of time, or both, would constitute an Event of Default.

3.13. Accuracy of Developer's Representations and Warranties. All of the representations and warranties made by the Developer in this Agreement shall be true and correct as of the date hereof and as of the Closing Date as if made on the Closing Date.

3.14. No Event of Default. Developer shall be in compliance with and shall not be in default of this Agreement.

3.15. Waiver for Qualified Contract. Developer has previously waived its right to request a qualified contract as defined in Section 42 (h)(6)(F) of the Internal Revenue Code. Developer

shall execute such additional documents or instruments as may be necessary or appropriate to support or evidence this waiver.

3.16. Performance by Developer. Developer shall have materially performed, satisfied and complied with all covenants, agreements and conditions required by this Agreement to be performed or complied with by Developer on or before the Closing Date.

4. CONSTRUCTION TIMELINES.

Provided that all conditions precedent under this Agreement have been satisfied, construction of the Project shall commence on or before February 28, 2025 (“Commencement Date”), and shall be completed no later than August 31, 2026 (“Completion Date”); and further provided that if the Oklahoma Housing Finance Agency (“OHFA”) does not approve either or both of the Funding Period One applications submitted by or on behalf of Developer, but subsequently approves application(s) for OFHA’s Funding Period Two 2024 Tax Credit Allocation, the Commencement Date will be extended to June 1, 2025 and the Completion Date will be extended to October 31, 2026.

5. SLFRF LOANS.

5.1. Agreement to Lend. In consideration of the promises and performance obligations of the Developer set forth in this Agreement, and subject to the terms and conditions of this Agreement, the City is willing to provide financial assistance to the Developer (or to a newly formed entity formed to develop the Project and submit an application to OHFA (“Applicant”)) for an allocation of 9% low-income housing tax credits and 4% LIHTC/tax-exempt bond financing to support the construction of the Project (“LIHTC Applications”) in the form of two contemporaneous non-amortizing loans from the City’s SLFRF program funds, one for the 9% LIHTC portion of the Project to be constructed on Lot 2 (as described on Exhibit A), the other for the 4% LIHTC/tax-exempt bond financing portion of the Project to be constructed on Lot 1 (as described on Exhibit A), for an aggregate loan amount of Five Million Five Hundred Thousand and No/100 Dollars (\$5,500,000.00) (“SLFRF Loans”). The actual amount of each of the SLFRF Loans will be mutually agreed upon by the parties and finalized prior to the Applicant’s submission of the LIHTC Applications. The agreed upon amount of each of the SLFRF Loans will be reflected in the SLFRF Loan Documents (defined below). The SLFRF Loan proceeds will be available during construction of the Project. The SLFRF Loans shall be repaid to the City in the event the Project becomes non-compliant, including if the Project ceases to satisfy the Affordability Requirements (defined in Section 6.2 below), the requirements to be a qualified low-income housing project (as defined in section 42(g) of the Internal Revenue Code) or a qualified residential rental project (as defined in section 142 (d) of the Internal Revenue Code), or if the Project fails to comply with any of the requirements of the extended low-income housing commitment that are described in Section 42(h)(6)(B)(i) - (iv) of the Internal Revenue Code.

5.2. Term; Interest. The terms of each SLFRF Loans will be thirty (30) years. The SLFRF Loan shall bear an interest rate of three percent (3%) annum.

5.3. Loan Payments. Developer shall make annual payments in an amount equal to seventy-five percent (75%) of the Net Cash from Operations. The full outstanding principal

balance and any accrued interest shall be due upon the earlier of: (i) any sale or transfer of the Project; or (ii) the maturity date of the Note. “Net Cash from Operations” means the amount equal to all of Developer’s cash receipts (including receivables due and payable but not yet received) plus any reserves that are released, minus the sum of: (1) operating expenses (meaning expenses relating to the operation and administration of the Project, including trade payables, lender fees, repair and maintenance expenses, required deposits into reserve and escrow accounts, salaries, employee benefits, payroll taxes and other payroll-related expenses, property management fees, property taxes, assessments, utility costs, insurance premium payments, and all other Developer obligations or expenditures that become due and payable, but excluding debt service and loans payable from Net Cash from Operations), (2) debt service, and (3) unfunded capital expenditures.

5.4. Additional Terms. Additional terms of the SLFRF Loans will be more fully described in separate loan agreements executed by the City and Developer (“SLFRF Loan Agreements”). Each SLFRF Loan will be secured by a Mortgage and Security Agreement on the Property in favor of the City (the “SLFRF Mortgage”) and each evidenced by a promissory note (the “SLFRF Note”). The City shall have a first priority lien position and security interest in the Project once the Project has been completed and placed in service. The SLFRF Loan Agreements, the SLFRF Notes, and the SLFRF Mortgages, are collectively the “SLFRF Loan Documents”). The SLFRF Loan Documents will be subject to all terms and conditions of this Agreement.

5.5. Conditions Precedent. The City’s willingness to make the SLFRF Loans is subject to: (a) approval by OHFA, on or before May 31, 2024, of Applicant’s financing plans that include annual reservations of Low-income Housing Tax Credits for the Project for both the 9% Application and the 4% Application, in amounts to be determined prior to the submission of the LIHTC Applications; (b) the City’s approval of the Project’s final budgets; (c) completion and execution of all SLFRF Loan documentation containing final terms of the proposed financing satisfactory to the City and its City Council; (d) the achievement of closing on the sale of the Property on the terms and conditions set forth in the this Agreement; and (e) the achievement of financial closing for the Project on terms and conditions set forth in the Applications or as otherwise agreed.

6. APPLICABLE LAND USE AND AFFORDABILITY REQUIREMENTS.

6.1. Land Use. The use of the Property shall be controlled by applicable zoning.

6.2. Affordability Requirements. At least thirty-five percent (35%) of the total number of units shall be affordable for households making 50% or less of the median family income for the area, as calculated and adjusted by the United States Department of Housing and Urban Project (“HUD”), ten (10) of the low-income units shall be available for households at 30% AMI, eighteen (18) of the low-income units shall be available for households at 50% AMI, and forty-seven (47) of the low-income units shall be available for households at 60% AMI (“Affordability Requirements”). The Affordability Requirements shall be maintained for a period of forty (40) years, as measured from the date the Project receives a final unrestricted certificate of occupancy (“Affordability Period”). To ensure compliance with these requirements, the Developer will submit tenant income certifications, project balance sheets, and/or rent roll reports to the City, in the manner required by the City.

6.3. Declaration of Affordability Requirements. A Declaration of Affordability Requirements shall be recorded against the Property concurrently with Closing, making affordability requirements a covenant running with the land. At the end of the Affordability Period, provided that there is not an Event of Default (which default remains uncured after the applicable notice and cure period) under this Agreement, the Loan Agreements, or any other agreement entered into in conjunction with these agreements, the City shall release the Declaration of Affordability Requirements by written instrument in recordable form executed and acknowledged by the City.

7. DEVELOPER REPRESENTATIONS AND WARRANTIES. Developer hereby represents and warrants to City as follows:

7.1. Developer is a limited liability company, duly organized and in good standing under Oklahoma law, with full right, power and authority to enter into this Agreement and to fulfill its obligations hereunder.

7.2. Developer has not received any written notice of, nor to Developer's knowledge is there, any suit, action, arbitration, legal, administrative or other proceeding or inquiry, pending or threatened against or relating to Developer that would affect Developer's ability to perform its obligations under this Agreement.

7.3. Developer is not, and will not be, a person or entity with whom the City is restricted from doing business under any Anti-Terrorism Laws, including, without limitation persons and entities named on the Office of Foreign Asset Control Specially Designated Nationals and Blocked Persons List.

7.4. Financial statements of the Developer heretofore delivered to the City and the City are true and correct in all material respects, and fully and accurately present the financial condition of the Developer on the respective dates thereof. There has been no material adverse change in the financial condition of the Developer since the date of the latest statement furnished.

7.5. Developer has neither filed nor been the subject of any filing or petition under the Federal Bankruptcy Law or any insolvency laws, any laws for composition of indebtedness or for the reorganization of debtors.

7.6. Neither this Agreement nor any statement or document referred to herein or delivered by the Developer pursuant to this Agreement contains any statement which Developer knows to be untrue or omits to state a material fact known to Developer that is necessary to make the statements made herein or therein not misleading.

7.7. When duly executed and delivered by Developer, this Agreement shall constitute the legal, valid and binding obligations of Developer in accordance with its terms.

All representations and warranties made by the Developer herein shall survive the closing on the SLFRF Loan Documents and shall continue until such time as the SLFRF Loans (including principal, interest and costs) is paid in full and released by the City. From and after the Effective

Date, Developer shall indemnify and hold the City, its officers, council members, employees, representatives and agents harmless from and against any and all costs, fees, expenses, damages, deficiencies, interest and penalties (including, without limitation, reasonable attorneys' fees and disbursements) suffered or incurred by any such indemnified party in connection with any and all losses, liabilities, claims, damages and expenses (collectively, "Losses"), arising out of, or in any way relating to a Developer's representation and warranty being untrue or inaccurate

8. TRANSFER RESTRICTIONS.

8.1. The qualifications of the Developer are of particular importance to the City. It is because of the qualifications and identity of the Developer, and the management thereof, that the City has entered into this Agreement with the Developer. Therefore, the Developer represents and agrees for itself, its successors and assigns, that except as permitted in the SLFRF Loan Documents, this Section 8.1 and/or by way of security for, and only for the purpose of obtaining financing necessary to enable the Developer or any successor in interest to the Project, or any part thereof, to perform its obligations with respect to the construction or operation of the Project under this Agreement, the Developer is prohibited from transferring the Project or any part thereof or interest therein, to another entity which would give such entity "control" of the Property (excluding ordinary course leasing, development easements, or other routine operational grants), without obtaining the prior written approval of the City. Any transfer of the Project approved by the City will require the Developer to assign and the transferee to assume all relevant Project documents, including but not limited to the SLFRF Loan Documents. Notwithstanding the foregoing or anything to the contrary in the SLFRF Loan Documents, City approval shall not be required for, and any transfer restrictions described herein shall not apply to, transfers within or among the ownership structure of the tax credit investor, special limited partner or general partner of the Developer, and/or a transfer of any limited partner interest owned by tax credit investor.

8.2. The City will be entitled to require, except as otherwise provided in this Agreement, as conditions to any such approval that: (i) the Developer will provide adequate assurances that the transferee has the capacity to carry out the Affordability Requirements; (ii) the transfer will provide for the continued imposition of the Affordability Requirements for the remainder of the Affordability Period; and (iii) any proposed transferee, by instrument in writing satisfactory to the City and in form recordable among the Cleveland County land records, will, for itself and its successors and assigns, and expressly for the benefit of the City, have expressly assumed all of the obligations on the Developer under this Agreement and agreed to be subject to all of the conditions and restrictions to which the Developer is subject.

8.3. Any permitted transfer will include a release and shall relieve the Developer, or any other party bound in any way by this Agreement or any assignment thereof, from any obligations imposed by this Agreement.

8.4. Notwithstanding anything to the contrary contained herein, the Developer will be free to transfer the Property or any part thereof and interests in the Developer, without the prior written consent of the City, after the conclusion of the Affordability Period.

9. COMPLIANCE WITH LAWS; INDEMNIFICATION.

9.1. Local, State, and Federal Laws. Developer, its successors and assigns, and their respective employees, occupants, operators, lessees, sublessees, contractors, subcontractors, and agents shall carry out the provisions of this Agreement and operate the Project in conformity with all applicable local, state and federal Laws (hereafter defined). By way of illustration and not limitation, such compliance includes, without limitation, Developer's obligation, at its expense, to take Remedial Action (hereafter defined) as and when required by Law (in accordance with applicable Law and this Agreement) and to pay all fines, penalties, interest and other costs imposed by any Governmental Authority (hereafter defined) in connection with any violation or requirement of Law.

The following terms, as used in this Agreement and in all amendments thereto (unless otherwise specified or unless the context otherwise requires), shall have the meanings and/or be construed, as the case may be, as set forth below:

(a) "Laws" means any present or future law, statute, ordinance, regulation, code, judgment, injunction, arbitral award, order, rule, directive, proclamation, decree, common law or other requirements of any Governmental Authority

(b) "Environmental Laws" shall include all Laws (i) relating to the protection of the environment, human health, animal health, or natural resources; (ii) regulating, controlling or imposing liability or standards of conduct concerning Hazardous Substances; (iii) relating to any Remedial Action; or (iv) requiring notification or disclosure of Releases of Hazardous Substances or of the existence of any environmental conditions on or at the Property, or arising from the operations of the Project, as any of the foregoing may be amended, supplemented, or supplanted from time to time.

(c) "Governmental Authority" means any federal, state, or local governmental authority, quasi-governmental authority, instrumentality, court, government, or self-regulatory organization, board, bureau, commission, tribunal, or any regulatory, administrative, or other agency, or any political or other subdivision, department, or branch of any of the foregoing, whether judicial or quasi-judicial, and any other public or quasi-public authority or group, having jurisdiction over the Property, any use or condition of the Project or the Property, or over the Developer, its occupants, operators, lessees, sublessees, contractors, subcontractors, and invitees.

(d) "Remedial Action" shall include the investigation, response, clean up, remediation, prevention, mitigation, removal of contamination, environmental degradation or damage caused by, related to or arising from the existence, generation, use, handling, treatment, storage, transportation, disposal, discharge, Release (including a continuous Release) or emission of any Hazardous Substance, including the investigation, removal or closure of any underground storage tanks and any soil or groundwater investigation, remediation or other action required under or necessary to comply with any Environmental Laws.

(e) "Hazardous Substances" shall include any and all substances, materials, chemicals and/or wastes which now or hereafter are classified or considered to be hazardous or toxic, or that

are or become regulated by any Governmental Authority because of toxicity, infectiousness, radioactivity, explosiveness, ignitability, corrosiveness or reactivity under any Environmental Law applicable to the Property, and shall also include (i) gasoline, diesel fuel, and other petroleum hydrocarbons; (ii) asbestos and asbestos containing materials, in any form, whether friable or non-friable; (iii) polychlorinated biphenyls; (iv) radon gas; (v) flammable liquids and explosives; (vi) any material, substance or waste defined as a “hazardous waste” pursuant to Section 1004 of the Resource Conservation and Recovery Act (42 U.S.C. §6901, et seq.); (vii) any material, substance or waste defined as a “hazardous substance” pursuant to Section 101 of the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. §9601, et seq.); (viii) any petroleum product; and (ix) any material, substance or waste defined as a “regulated substance” pursuant to Subchapter IX of the Solid Waste Disposal Act (42 U.S.C. §6991, et seq.).

(f) “Release” shall include the release or threatened release of any Hazardous Substances into or upon or under any land, water or air, or otherwise into the environment (including the air, soil, surface water, groundwater, sewer, septic system, or waste treatment, storage, or disposal systems), of any kind whatsoever, including, but not limited to, the abandonment or discarding of barrels, containers, tanks or other receptacles containing or previously containing a Hazardous Substance, and by means of burial, disposal, discharge, emission, injection, spillage, leakage, seepage, leaching, dumping, pumping, powering, escaping, emptying, placement and the like.

9.2 Indemnification. Developer shall defend, indemnify, assume all responsibility for, and hold the City, its council members, directors, officers, managers, employees, representatives and agents harmless from, all costs (including reasonable attorney’s fees and costs), claims, demands, loss, damage, liabilities and judgments of any kind whatsoever (except those which have arisen from the willful misconduct or negligence of the City) for injury or damage to property and injuries to persons, including death, to the extent determined to be caused directly or indirectly, if injury is materially and substantially caused by the actions or inactions of the Developer, by any of the Developer’s activities under this Agreement, whether such activities or performance thereof be by the Developer or anyone directly or indirectly contracted with or employed by the Developer and whether such damage shall accrue or be discovered before or after termination of this Agreement. This indemnity includes, but is not limited to, any liabilities arising from the generation, storage, treatment, use, disposal, discharge, release, manufacture, presence, emission, abatement, transportation, repair, cleanup, remediation, detoxification, or preparation and implementation of any removal, remediation, response, closure or other plan (regardless of whether undertaken due to governmental action) concerning any Hazardous Substance or hazardous wastes including petroleum and its fractions as defined in the Comprehensive Environmental Response, Compensation and Liability Act; codified at Title 42, Sections 9601, et seq. of the United States Code (hereinafter, “CERCLA”), and all amendments thereto, at any place where Developer owns or has control of real property pursuant to any of Developer’s activities under this Agreement, but excludes Developer’s liability for any condition of the Property that existed prior to conveyance of the Property by the City to the Developer. The foregoing indemnity is intended to operate as an agreement pursuant to Section 107(e) of CERCLA to assure, protect, hold harmless and indemnify the City from liability. Such indemnification shall survive the execution of this Agreement.

10. RIGHTS OF ACCESS TO PROPERTY. The following provisions of this Section 10 shall apply after Closing on the Property:

10.1. The City reserves for itself and any public utility company, as appropriate, an unqualified right to enter on the Property at all reasonable times for reconstructing, repairing, maintaining, and servicing public utilities within the Property, provided that such entrance and work will not unreasonably interfere with Property operations, construction, management or tenant’s use and enjoyment of the Property.

10.2. The Developer shall not construct any building, structure, or improvement on, over, or within boundary lines of public utility easement unless provided for in such easement or the City issues prior written approval.

10.3. Developer shall permit City or City’s representatives access to the Property at all reasonable times, upon reasonable prior notice, for purposes of carrying out this Agreement (including inspections), but without unreasonable interference with construction, management, operations or tenant’s use and enjoyment of the Property.

11. EVENT OF DEFAULT/REMEDIES.

11.1. In General. Except as otherwise provided in this Agreement, in the event of any default in or breach of this Agreement, or any of its terms or conditions, by either Party or any successor to such Party, such Party (or successor) must, upon written notice from the other, proceed immediately to cure or remedy such default or breach, and, in any event, within thirty (30) days after receipt of such notice. Provided, however, that if any such Event of Default or breach is by the Developer and is incapable of being cured in such 30-day period and the Developer is diligently pursuing the cure of such breach or default, the time for curing the same will be extended at the reasonable discretion of the City. In the event such action is not taken or not diligently pursued, or the default or breach shall not be cured or remedied within a reasonable time, the aggrieved party may institute such proceedings as may be necessary or desirable in its opinion to cure and remedy such default or breach, including, but not limited to, proceedings to compel specific performance by the party in default or breach of its obligations.

11.2. Termination by City Prior to Conveyance. In the event that, prior to the conveyance of the Property to the Developer, the Developer fails to perform any of the material covenants or obligations required of the Developer under this Agreement, and, if any such default or failure is not cured within thirty (30) days after the date of written demand by the City (provided, however, that if any such default or failure is incapable of being cured in such thirty (30)day period and the Developer is diligently pursuing the cure of such default or failure, the time for curing the same will be extended at the discretion of the City); then this Agreement, and any rights of the Developer, or any assignee or transferee, in this Agreement, or arising therefrom with respect to the City or the Property may, at the option of the City, be terminated by the City, in which event, neither the Developer (or assignee or transferee) nor the City will have any further rights against or liability to the other under this Agreement.

11.3. Rights and Remedies Cumulative; No Waiver by Delay. The rights and remedies of the Parties to this Agreement, whether provided by law or by this Agreement, will be cumulative, and the exercise by either Party of any one or more of such remedies will not preclude the exercise by it, at the same or different times, of any other such remedies for the same default or breach or of any of its remedies for any other default or breach by the other Party. No waiver made by either such Party with respect to the performance, or manner or time thereof, or any obligation of the other Party or any condition to its own obligations under this Agreement will be considered a waiver of any rights of the Party making the waiver with respect to the particular obligation of the other Party or condition to its own obligations beyond those expressly waived in writing and to the extent thereof, or a waiver in any respect in regard to any other rights of the party making the waiver or any other obligations of the Party.

11.4. Party in Position of Surety with Respect to Obligations. The Developer for itself and its successors and assigns, and for all other persons who are or who will become, whether by express or implied assumption or otherwise, liable upon or subject to any obligation or burden under this Agreement, hereby waives, to the fullest extent permitted by law and equity, any and all claims or defenses otherwise available on the ground of its (or their) being or having become a person in the position of a surety, whether real, personal, or otherwise or whether by agreement or operation of law, including, without limitation on the generality of the foregoing, any and all claims and defenses based upon extension of time, indulgence, or modification of terms of contract.

12. MISCELLANEOUS.

12.1. Notices. A notice, demand, or other communication under this Agreement by either Party to the other will be sufficiently given or delivered if dispatched by registered or certified mail, postage prepaid, return receipt requested, or nationally recognized overnight courier, or delivered personally, and:

- (a) in the case of the Developer, is addressed (or delivered personally) to the Developer in care of:

Milestone Property Development, LLC
398060 W 2200 Road
Bartlesville, OK 74006
Attn: Thomas A. Gorman

- (b) in the case of the City, is addressed (or delivered personally) to the City at:

City of Norman
201 W. Gray
Norman, OK 73069
Attn: City Attorney

With a copy to: Center for Economic Development Law
301 N. Harvey Ave., Suite 200
Oklahoma City, OK 73102
Attn: Jeff Sabin and Lisa Harden

Notices given by counsel for the Developer shall be deemed given by Developer and notices given by counsel for the City shall be deemed given by the City. By giving at least ten (10) days prior written notice thereof, any party hereto may, from time to time and at any time, change its mailing address hereunder. Rejection or other refusal to accept or inability to deliver because of a changed address of which no notice was given shall be deemed to be receipt of the notice, request, or other communication.

12.2. Entire Agreement; Amendments. Except as otherwise referenced, this Agreement sets forth the entire understanding between the Parties with respect to its subject matter, there being no terms, conditions, warranties or representations with respect to its subject matter other than that contained herein. This Agreement may not be changed orally, but only by an agreement in writing and signed by the Parties.

12.3. Time of the Essence. The Parties understand and agree that time is of the essence with regard to all the terms and provisions of this Agreement.

12.4. Further Assurances. Each Party agrees that it will, without further consideration, execute and deliver such other documents and take such other action, whether prior or subsequent to Closing, as may be reasonably requested by any other party to consummate more effectively the purposes or subject matter of this Agreement.

12.5. Relationship of the Parties. The undertaking of this Agreement is a complex process which will require the mutual agreement of the Parties and their timely actions on matters appropriate or necessary to implementation. The Parties hereto shall use commercially reasonable efforts to perform their respective obligations in accordance with this Agreement. This Agreement specifically does not create any partnership or joint venture between the Parties hereto or render any Party liable for any of the debts or obligations of any other party.

12.6. Binding Effect; Survival. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns. The representations, warranties, covenants and undertakings of the Parties set forth in this Agreement shall survive the execution and delivery of this Agreement and continue in full force and effect until the later of (a) the date on which this Agreement has been fully performed in accordance with its terms and (b) the Affordability Period.

12.7. Headings. The section headings and captions in this Agreement are for convenience and reference only and shall not be deemed a part of or affect the interpretation of this Agreement.

12.8. Gender; Plural; Singular. A reference in this Agreement to any gender, whether masculine, feminine or neuter, shall be deemed a reference to the others, and the singular shall be deemed to include the plural and vice versa, unless the context otherwise requires.

12.9. Partial Invalidity. If for any reason any paragraph or provision of this Agreement or the application thereof to any person, entity or circumstance shall be held to any extent to be invalid, unenforceable or contrary to any existing or future laws, then the remainder of this

Agreement or the application of such paragraph or provision to persons, entities or circumstances other than those with respect to which it has been held invalid or unenforceable shall not be affected thereby and each paragraph and provision shall be valid and enforced to the fullest extent permitted by law.

12.10. Force Majeure. For the purpose of any of the provisions of this Agreement, neither the City nor the Developer, as the case may be, nor any successor in interest, shall be considered in breach of, or default in, its obligations with respect to the Project, in the event of a forced delay in the performance of such obligations due to unforeseeable causes beyond its control and without its fault or negligence, including, but not restricted to, acts of God, acts of the public enemy, acts of the Federal government, acts of the other party, fires, floods, epidemics, pandemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather or delays of subcontractors due to such causes, but shall not include delays attributable to financial difficulties of such Party; it being the purpose and intent of this provision that in the event of the occurrence of any such forced delay, the time or times for performance of the obligations described in this Agreement shall be extended for the period of the forced delay, as reasonably determined by the City; provided, that the party seeking the benefit of the provisions of this subsection shall, within ten (10) days after the beginning of such forced delay, have first notified the other party thereof in writing, and of the cause or causes thereof, and requested an extension for the period of the forced delay.

12.11. Governing Law; Submission to Jurisdiction. This Agreement shall be governed by and construed in accordance with the laws of the State of Oklahoma governing agreements made and fully performed in Oklahoma. Any action or proceeding arising out of or relating to this Agreement or any transaction contemplated hereby shall be brought in the Cleveland County District Court or the United States District Court for the Western District of Oklahoma, as applicable, and each of the Parties irrevocably submits to the exclusive jurisdiction of such courts in any such action or proceeding, waives any objection it may now or hereafter have to venue or to convenience of forum, agrees that all claims in respect of the action or proceeding shall be heard and determined only in such court and agrees not to bring any action or proceeding arising out of or relating to this Agreement or any transaction contemplated hereby in any other court. The Parties agree that any party may file a copy of this Section with such court as written evidence of the knowing, voluntary and bargained agreement among the parties irrevocably to waive any objections to venue or to convenience of forum.

12.12. Attorneys' Fees. In the event of any controversy, claim or dispute between the Parties affecting or relating to the subject matter or performance under this Agreement, the prevailing party shall, in addition to any other remedy at law or provided herein, be entitled to recover from the non-prevailing party all of its reasonable expenses, including reasonable attorneys' and accountants' fees.

12.13. Counterparts; Facsimile Signatures. This Agreement may be executed in counterparts, each of which shall be an original and all of which counterparts taken together shall constitute one and the same agreement. For purposes of this Agreement, a telecopy or scan of an executed counterpart shall constitute an original. Any party delivering an executed counterpart of this Agreement by telecopier or email shall also deliver an original executed counterpart of this

Agreement, but the failure to deliver an original executed counterpart shall not affect the validity of this Agreement.

12.14. Incorporation of Recitals. The recitals to this Disposition and Development Agreement are integral parts of, and by this reference are hereby incorporated into, this Agreement.

12.15. Incorporation of Exhibits. All Exhibits identified in this Disposition and Development Agreement as exhibits to this Agreement are hereby incorporated into this Agreement and made integral parts of it.

13. OPTION TO PURCHASE. Solely for purposes of documenting site control and to ensure compliance with the regulations and requirements of the Oklahoma Housing Finance Agency (“OHFA”) regarding Developer’s application for federal and state tax credits to be allocated to the Project pursuant to Section 42 of the Internal Revenue Code and the Qualified Allocation Plan promulgated by OHFA, the City and Developer are authorized to execute an Option Agreement granting Developer the exclusive option to purchase each Lot comprising the Property (“Option”), in form attached hereto as Exhibit G and Exhibit H. Developer agrees it shall not exercise one Option without exercising both Options and shall comply with the terms of this Agreement in connection with exercising such Options. The City shall have no obligation to convey fee simple title to the Property to the Developer if the terms and conditions of this Agreement are not satisfied. While the terms of the Option Agreements and this Agreement are intended by the Parties to be consistent with one another, in the event of any inconsistency between the terms of this Agreement and the Option Agreements, the terms, covenants, conditions and obligations of the parties described in this Agreement shall control.

[Remainder of Page Intentionally Left Blank; Signature Pages Follow]

EXHIBIT A**LEGAL DESCRIPTION OF THE PROPERTY**

Subject to adjustment and finalization as described in Section 1.1 of the Development Agreement, the Property is comprised of two contiguous lots described as follows:

Lot 1:

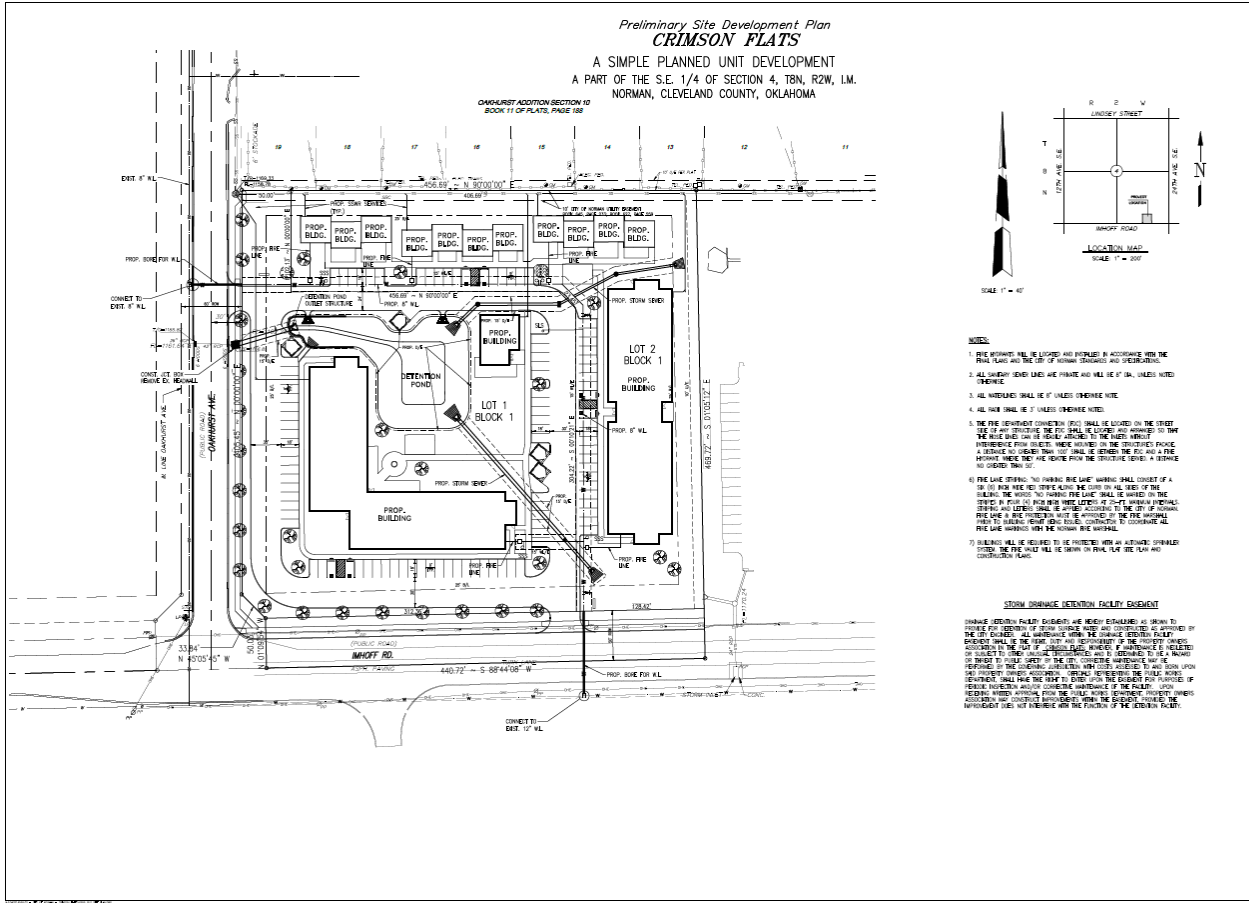
A tract of land lying in the Southeast Quarter (SE/4) of Section Four (4), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma and being more particularly described as follows:

COMMENCING at the Southeast corner of said SE/4; THENCE South 88°50'06" West along the South line of said SE/4 a distance of 1321.04 feet; THENCE North 01°09'54" West a distance of 50.00 feet to the POINT OF BEGINNING;
 THENCE North 45°05'45" West a distance of 33.84 feet;
 THENCE North 00°00'00" West a distance of 402.54 feet;
 THENCE North 90°00'00" East a distance of 50.00 feet;
 THENCE South 00°00'00" East a distance of 99.19 feet;
 THENCE North 89°54'50" East a distance of 180.78 feet;
 THENCE South 00°10'21" East a distance of 90.62 feet;
 THENCE North 89°54'50" East a distance of 60.01 feet;
 THENCE South 00°10'26" East a distance of 231.54 feet;
 THENCE South 88°50'06" West a distance of 267.85 feet to the POINT OF BEGINNING.
AND

Lot 2:

A tract of land lying in the Southeast Quarter (SE/4) of Section Four (4), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma and being more particularly described as follows:

COMMENCING at the Southeast corner of said SE/4; THENCE South 88°50'06" West along the South line of said SE/4 a distance of 882.21 feet; THENCE North 01°05'28" West a distance of 50.00 feet to the POINT OF BEGINNING;
 THENCE South 88°50'06" West a distance of 172.87 feet;
 THENCE North 00°10'26" West a distance of 231.54 feet;
 THENCE South 89°54'50" West a distance of 60.01 feet;
 THENCE North 00°10'21" West a distance of 90.62 feet;
 THENCE South 89°54'50" West a distance of 180.78 feet;
 THENCE North 00°00'00" West a distance of 99.19 feet;
 THENCE North 90°00'00" East a distance of 406.65 feet;
 THENCE South 01°05'28" East a distance of 417.55 feet to the POINT OF BEGINNING.



Preliminary Site Development Plan
CRIMSON FLATS
A SIMPLE PLANNED UNIT DEVELOPMENT
A PART OF THE S.E. 1/4 OF SECTION 4, T8N, R2W, L.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA

COURTESY ADDITION SECTION 10
BOOK 11 OF PLATS, PAGE 188




SCALE: 1" = 40'

NOTES:

1. THE SITEWORK SHALL BE LOCATED AND INSTALLED IN ACCORDANCE WITH THE FINAL PLANS AND THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS.
2. ALL UTILITY LINES SHOWN ARE PRIVATE AND WILL BE AT THE UNLINED NOTES THEREON.
3. ALL UTILITIES SHALL BE 12" UNLESS OTHERWISE NOTED.
4. ALL FIRE LINES SHALL BE 12" UNLESS OTHERWISE NOTED.
5. THE FIRE DEPARTMENT CONNECTION POINT SHALL BE LOCATED ON THE STREET SIDE OF AND OPPOSITE THE FIRE SHALL BE LOCATED AND MARKED TO THE PROPERTY INTERFERENCE FROM OBJECTS, MARKS, AND/OR TO THE STREET SIDE. THE FIRE DEPARTMENT SHALL BE RESPONSIBLE FOR THE CONNECTION TO THE STREET SIDE. THE FIRE DEPARTMENT SHALL BE RESPONSIBLE FOR THE CONNECTION TO THE STREET SIDE. THE FIRE DEPARTMENT SHALL BE RESPONSIBLE FOR THE CONNECTION TO THE STREET SIDE.
6. THE FIRE LINES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS. THE FIRE LINES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS. THE FIRE LINES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS.
7. BUILDING SHALL BE REQUIRED TO BE INSTALLED WITH AN APPROVED SPARKARREST SYSTEM. THE FIRE SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS.

STORM DRAINAGE DETENTION FACILITY AGREEMENT

THE STORM DRAINAGE DETENTION FACILITY (SDF) IS A NECESSARY COMPONENT OF THE DEVELOPMENT AND SHALL BE MAINTAINED AND OPERATED IN ACCORDANCE WITH THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS. THE SDF SHALL BE MAINTAINED AND OPERATED IN ACCORDANCE WITH THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS. THE SDF SHALL BE MAINTAINED AND OPERATED IN ACCORDANCE WITH THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS.



SMC
Sooner Metropolitan Council
1000 N. Lincoln Blvd., Suite 100
Norman, Oklahoma 73069
Phone: 405.894.1234
Fax: 405.894.1235
www.smcok.com

Preliminary Site Development Plan
SHEET NO. 1

EXHIBIT D

FORM OF DEED

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

EXEMPT DOCUMENTARY STAMP TAX
O.S. Title 68, Article 32, Section 3202, Paragraph 11

(SPACE ABOVE THIS LINE FOR RECORDER’S USE ONLY)

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, THAT:

WHEREAS, the City of Norman, Oklahoma, a municipal corporation (“City”), has received a federal allocation of Coronavirus State and Local Fiscal Recovery Funds (“SLFRF”) provided under the American Rescue Plan Act of 2021 (“ARPA”), and said allocation is intended to provide support to the City in responding to and containing the impact of the COVID-19 public health emergency on the City’s communities, residents, and businesses; and

WHEREAS, the City Council of the City of Norman (“City Council”) has identified the existence of a shortage of affordable housing in its community and has designated the use of a portion of the City’s SLFRF program funds, in the amount of \$6.4 million, to acquire certain real property in Norman and support the construction and development of an affordable housing development on that property; and

WHEREAS, the City acquired, utilizing the City’s SLFRF program funds, a certain 4.96-acre tract of real property located generally at the northeast corner of Imhoff Road and Oakhurst Road (“Property”), which is more particularly described on Exhibit A attached hereto and incorporated herein by this reference; and

WHEREAS, after a public procurement process, the City selected Milestone Property Development, LLC (“Milestone”), as the best qualified development firm in the field of affordable housing development with skilled professionals willing, able, and capable of timely providing the development and services requested and required by the City in the RFP; and

WHEREAS, the City and Milestone have executed a Disposition and Development Agreement dated _____, 2023 (the “Development Agreement”) whereby Milestone has agreed to design, construct, finance, own and manage a new 75-unit affordable housing development, comprised of five buildings and related amenities in accordance with the minimum development requirements and criteria set forth in the Development Agreement (“Project”); and

WHEREAS, Milestone has formed a single-purpose limited partnership, Crimson Flats, L.P. (“Developer”), for purposes of securing low income housing tax credits, and to develop and own the Project; and

WHEREAS, the City, Milestone, and Developer have executed an Assignment of the

Development Agreement pursuant to which Milestone has assigned all of its right and interest in the Development Agreement and Developer has assumed all obligations thereunder to develop the Project; and

WHEREAS, capitalized terms not defined herein shall have the same meaning as terms defined in the Development Agreement; and

WHEREAS, pursuant to the Development Agreement, Developer has agreed to undertake the Project in accordance with the public purposes which the City has expended or pledged SLFRF funding and all provisions and requirements of applicable state and local laws, as referenced in the Development Agreement and ancillary agreements adopted in conjunction therewith and described therein, including but not limited to a stand-alone Declaration of Affordability Requirements (the “Declaration”) imposing certain covenants on the Property, as defined herein, that are to run with the land and are to be recorded concurrently with this Deed.

NOW, THEREFORE, this Deed, made this _____ day of _____, 20_____, by and between the **CITY OF NORMAN, OKLAHOMA**, a municipal corporation (hereinafter referred to as the “Grantor”), and **CRIMSON FLATS, LP**, an Oklahoma limited partnership (hereinafter referred to as the “Grantee”), having an address of 398060 West 2200 Road, Bartlesville, OK 74006-0265.

WITNESSETH:

That for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, the Grantor does, by this Special Warranty Deed, hereby grant, bargain, sell and convey unto the Grantee that certain real property situated in Norman, Cleveland County, Oklahoma, and more particularly described in EXHIBIT A attached hereto together with improvements and fixtures located thereon, and all rights of ways, privileges and appurtenances pertaining thereto (the “Property”); LESS AND EXCEPT any interest in and to oil, gas, coal, metallic ores and other minerals previously reserved or conveyed of record; and SUBJECT TO any and all easements, restrictions, covenants, conditions and reservations of record applicable to the Property conveyed herein or any part thereof (the “Title Exceptions”).

The Grantor hereby warrants title to the Property to be free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature, except for the Title Exceptions, and Grantor will defend the same against the lawful claims of any persons claiming by, through, or under Grantor, but not otherwise.

TO HAVE AND TO HOLD the Property, subject to the aforesaid encumbrances, unto Grantee, Grantee’s successors and assigns, forever.

Provided, however, that this Deed is made and executed upon and is subject to certain express conditions and covenants, said conditions and covenants being a part of the consideration for the Property hereby conveyed and are to be taken and construed as running with the land and upon the continued observance of which and each of which, with the sole exception of covenants

numbered FIRST and FIFTH, the continued existence of the estate hereby granted shall depend, and the Grantee hereby binds itself and its successors, assigns, grantees and lessees forever to these covenants and conditions which covenants and conditions are as follows:

FIRST: The Grantee shall devote the Property hereby conveyed only to the uses permitted by the Declaration and applicable zoning.

SECOND: The Grantee shall pay real estate taxes or assessments on the Property hereby conveyed or any part thereof when due and, until the Grantor certifies that all building construction and other physical improvements specified to be done and made by the Grantee pursuant to the Development Agreement have been completed, the Grantee shall not place thereon any encumbrance or lien on the Property other than liens securing the construction and permanent financing of the improvements to be construed on the Property pursuant to the construction plans approved by the Grantor and for additional funds, if any, in an amount not to exceed the consideration specified in the Development Agreement (hereinafter referred to as the “Approved Financing”), and shall not suffer any levy or attachment to be made or any other encumbrance or lien to attach until the Grantor certifies that all building construction and other physical improvements specified to be done and made by the Grantee pursuant to the Development Agreement have been completed through the issuance of a certificate of occupancy on the Property.

THIRD: The Grantee shall commence promptly the construction of the aforesaid improvements on the Property hereby conveyed in accordance with the said construction plans and shall prosecute diligently the construction of said improvements to completion: Provided, that in any event, construction shall commence no later than February 28, 2025, and the aforesaid improvements shall be completed no later than August 31, 2026, unless such dates are extended pursuant to the Development Agreement. The covenants and agreements contained in this covenant numbered THIRD shall terminate on the date the Grantor issues the Certificate of Completion (hereinafter defined) for the completed construction of the improvements on the Property, which Certificate of Completion may be recorded by Grantor or Grantee in the Cleveland County land records.

FOURTH: Until the expiration of the Affordability Period, as defined in the Development Agreement as a period of forty (40) years, measured from the date a final certificate of occupancy is issued on the Property, the Grantee shall have no power to convey the Property hereby conveyed or any part thereof without the prior written consent of the Grantor except to a mortgagee under a mortgage permitted by this Deed, and the Grantee shall not permit any change in the ownership or distribution of the equity interests of Grantee, in a manner not permitted by the Development Agreement.

FIFTH: The Grantee agrees for itself and any successor in interest not to discriminate upon the basis of race, creed, color, or national origin in the sale, lease, or rental or in the use or occupancy of the Property hereby conveyed or any part thereof or of any improvements erected or to be erected thereon or any part thereof.

The Grantor shall be deemed a beneficiary of covenants numbered FIRST through FIFTH; the United States shall be deemed a beneficiary of the covenant numbered FIFTH; Cleveland

County shall each be deemed a beneficiary of the covenant numbered SECOND; the United States of America shall be deemed a beneficiary of the covenants numbered FIRST, THIRD, FOURTH, AND FIFTH; and such covenants shall run in favor of the beneficiaries for the entire period during which such covenants shall be in force and effect, without regard to whether the Grantor, Cleveland County, or the United States, is or remains an owner of any land or interest therein to which such covenants relate. As such beneficiary, the Grantor, in the event of breach of covenants numbered FIRST through FIFTH, Cleveland County in the event of breach of covenant numbered SECOND, and the United States, in the event of any breach of the covenants numbered FIRST, THIRD, FOURTH and FIFTH, shall each have the right to exercise all the rights and remedies, and to maintain any actions at law or suits in equity or other proper proceedings to enforce the curing of such breach, to which beneficiaries of such covenant may be entitled.

In the case of the breach or violation of any one of the covenants at any time prior to the time the Grantor furnishes an instrument certifying the conclusion of the Affordability Period as to the Property and in case such breach or such violation shall not be cured, ended or remedied pursuant to the Development Agreement within ninety (90) days after written demand by the Grantor so to do with respect to covenants numbered FIRST, SECOND, FOURTH, and FIFTH and three (3) months after written demand by the Grantor so to do with respect to the covenant numbered THIRD (provided, that a breach or violation with respect to the portion of the covenant numbered THIRD, dealing with completion of the improvements may be cured, ended or remedied within three (3) months after written demand by the Grantor to do so or any further extension thereof that may be granted by the Grantor in its sole discretion), then all estate, conveyed under this Deed, shall cease and terminate, and title in fee simple to the same shall revert to and become revested in the Grantor, or its successors or assigns, and such title shall be revested fully and completely in it, and the said Grantor, its successors or assigns, shall be entitled to and may of right enter upon and take possession of the said Property; **provided**, that any such revesting of title to the Grantor:

1. Shall always be subject to and limited by, and shall not defeat, render invalid, or limit in any way:
 - (a) the lien of the mortgages permitted by this Deed, including, without limitation, mortgage liens created pursuant to the Approved Financing; and
 - (b) any rights or interests provided in the Development Agreement for the protection of the holders of any such mortgage; and
 - (c) the rights and remedies of the holders of the mortgages executed and delivered by Grantee pursuant to the Approved Financing.

2. In the event that title to the said Property or part thereof shall revert in the Grantor in accordance with the provisions of this Deed, the Grantor shall pursuant to its responsibilities under applicable law use its best efforts to resell the Property or part thereof (subject to such mortgage liens as hereinbefore set forth and provided) as soon and in such manner as the Grantor shall find feasible and consistent with the objectives of such law, to a qualified and responsible party or parties (as determined by the Grantor) who will assume the obligation of making or completing the improvements or such other improvements in their stead as shall be satisfactory to

the Grantor and in accordance with the uses specified for the Property or any part thereof in the Master Plan. Upon such resale of the Property, or any part thereof, the proceeds thereof shall first be applied to payment in full of the indebtedness secured by mortgages created pursuant to the Approved Financing with the balance to be applied as follows:

First: To reimburse the Grantor, on its own behalf for all costs and expenses incurred by the Grantor including, but not limited to, salaries of personnel in connection with the recapture, management and resale of the Property or part thereof (but less any income derived by the Grantor from the Property or part thereof in connection with such management); all taxes, assessments, and water and sewer charges with respect to the Property or part thereof at the time of reversion of title thereto in the Grantor or to discharge or prevent from attaching or being made any subsequent encumbrances or liens due to obligations, defaults, or acts of the Grantee, its successors, or transferees; any expenditures made or obligations incurred with respect to the making or completion of the improvements or any part thereof on the Property or part thereof; and any amounts otherwise owing the Grantor by the Grantee and its successors or transferees; and

Second: The Grantee, its successors or transferees is to be reimbursed up to an amount equal to the sum of the consideration specified herein and the related acquisitions costs paid by the Grantee to the Grantor (or allocable to the part thereof) plus the amount actually invested by the Grantee in making any of the improvements on the Property or part thereof, less any gains or income withdrawn or made by it from this conveyance or from the Property.

Any balance remaining after such reimbursement shall be retained by the Grantor or repaid to the extent required by the American Rescue Plan Act of 2021 ("ARPA") or the ARPA Coronavirus State and Local Fiscal Recovery Funds Regulations.

The covenants and agreements contained in this Deed other than Covenant THIRD shall terminate upon the conclusion of the Affordability Period, as defined in the Development Agreement, when the Grantor issues an instrument certifying its conclusion, as provided for in the Development Agreement and the Declaration, except only that the termination of the covenant numbered SECOND shall in no way be construed to release the Grantee from its obligation to pay real estate taxes or assessments (or payments in lieu thereof) on the Property hereby conveyed or any part thereof. The covenant numbered FIFTH shall remain in effect without any limitation as to time.

Promptly after the completion of the above-mentioned improvements with respect to any individual parts or parcels in accordance with the provisions of the construction plans and the Development Agreement, the Grantor will furnish the Grantee with an appropriate instrument (the "Certificate of Completion") so certifying. Such certification (and it shall be so provided in the certification itself) shall be a conclusive determination and evidence of completion of construction of the Project as described in the Development Agreement. Such certification (and it shall be so provided in the certification itself) shall be a conclusive determination of satisfaction of the covenants and agreements contained in paragraphs numbered THIRD in this Deed.

The Certificate of Completion shall be in such form as will enable it to be recorded in the

proper office for the recordation of deeds and other instruments pertaining to the Property hereby conveyed. If the Grantor shall refuse or fail to provide such Certificate of Completion, the Grantor shall, within thirty (30) days after written request by the Grantee provide the Grantee with a written statement, indicating in what respects the Grantee has failed to duly complete said improvements in accordance with the Development Agreement and what measures or acts will be necessary for the Grantee to take or perform in order to obtain such certification.

The Grantor certifies that all conditions precedent to the valid execution and delivery of this Deed on its part have been complied with and that all things necessary to constitute this Deed its valid, binding and legal agreement on the terms and conditions and for the purposes set forth herein have been done and performed and have happened, and that the execution and delivery of this Deed on its part have been and are in all respects authorized in accordance with law. The Grantee similarly certifies with reference to its execution and delivery of this Deed.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, Grantee has caused this Deed to be duly executed as of the day and year first above written.

GRANTEE: **Crimson Flats, LP,**
an Oklahoma limited partnership

By: _____,
a(n) _____, its General Partner

By: _____,
a(n) _____, its Manager

By: _____
Thomas A. Gorman, Manager

ACKNOWLEDGMENT

STATE OF OKLAHOMA,)
) ss.
COUNTY OF _____)

Before me, a Notary Public in and for said State, on this ____ day of _____, 20____, personally appeared Thomas A. Gorman, as the Manager of _____, the Manager of _____, the General Partner of Crimson Flats, LP, an Oklahoma limited partnership, and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of such limited partnership, for the uses and purposes therein set forth.

WITNESS my hand and official seal the day and year last above written.

Notary Public

My Commission Expires: _____
My Commission Number: _____

(SEAL)

Exhibit A

Legal Description

Subject to adjustment and finalization as described in Section 1.1 of the Development Agreement, the Property is comprised of two contiguous lots described as follows:

Lot 1:

A tract of land lying in the Southeast Quarter (SE/4) of Section Four (4), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma and being more particularly described as follows:

COMMENCING at the Southeast corner of said SE/4; THENCE South 88°50'06" West along the South line of said SE/4 a distance of 1321.04 feet; THENCE North 01°09'54" West a distance of 50.00 feet to the POINT OF BEGINNING;

THENCE North 45°05'45" West a distance of 33.84 feet;
 THENCE North 00°00'00" West a distance of 402.54 feet;
 THENCE North 90°00'00" East a distance of 50.00 feet;
 THENCE South 00°00'00" East a distance of 99.19 feet;
 THENCE North 89°54'50" East a distance of 180.78 feet;
 THENCE South 00°10'21" East a distance of 90.62 feet;
 THENCE North 89°54'50" East a distance of 60.01 feet;
 THENCE South 00°10'26" East a distance of 231.54 feet;
 THENCE South 88°50'06" West a distance of 267.85 feet to the POINT OF BEGINNING.

AND

Lot 2:

A tract of land lying in the Southeast Quarter (SE/4) of Section Four (4), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma and being more particularly described as follows:

COMMENCING at the Southeast corner of said SE/4; THENCE South 88°50'06" West along the South line of said SE/4 a distance of 882.21 feet; THENCE North 01°05'28" West a distance of 50.00 feet to the POINT OF BEGINNING;

THENCE South 88°50'06" West a distance of 172.87 feet;
 THENCE North 00°10'26" West a distance of 231.54 feet;
 THENCE South 89°54'50" West a distance of 60.01 feet;
 THENCE North 00°10'21" West a distance of 90.62 feet;
 THENCE South 89°54'50" West a distance of 180.78 feet;
 THENCE North 00°00'00" West a distance of 99.19 feet;

THENCE North $90^{\circ}00'00''$ East a distance of 406.65 feet;
THENCE South $01^{\circ}05'28''$ East a distance of 417.55 feet to the POINT OF BEGINNING.

EXHIBIT E GENERAL DESCRIPTION OF SITE WORK

CRIMSON FLATS					
ENGINEER'S PRELIMINARY COST ESTIMATE (CITY'S PORTION)					
DESIGN FIRM:	SMC Consulting Engineers, P.C.	Date:	6-Nov-23		
PREPARED BY:	Christopher D. Anderson, P.E.	SMC Project No:	6555.00		
SUMMARY OF PRELIMINARY PAY QUANTITIES					
ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT
WATERLINE QUANTITIES					
1	CONNECT TO EXISTING 12" WATERLINE	L.S.	1	\$600.00	\$600
2	CONNECT TO EXISTING 8" WATERLINE	L.S.	1	\$500.00	\$500
3	8" PVC C-900 DR18	L.F.	797	\$52.00	\$41,444
4	12"x8" TAPPING TEE	EACH	1	\$4,200.00	\$4,200
5	8"x8" TAPPING TEE	EACH	1	\$3,800.00	\$3,800
6	8"x6" TEE	EACH	3	\$710.00	\$2,130
7	12" TAPPING VALVE & BOX	EACH	1	\$4,800.00	\$4,800
8	8" TAPPING VALVE & BOX	EACH	1	\$3,100.00	\$3,100
9	6" GATE VALVE & BOX	EACH	3	\$1,650.00	\$4,950
10	8"x45" BEND	EACH	2	\$580.00	\$1,160
11	FIRE HYDRANT	EACH	3	\$3,650.00	\$10,950
12	FIRE HYDRANT RISER	EACH	3	\$700.00	\$2,100
13	SINGLE SHORT SERVICE	EACH	4	\$850.00	\$3,400
14	SINGLE LONG SERVICE	EACH	2	\$1,500.00	\$3,000
15	DETECTOR WIRE	L.F.	797	\$1.00	\$797
16	TYPE 'A' AGGREGATE	TON	748	\$35.00	\$26,180
17	STREET BORE & CASING FOR 8" WATERLINE	L.F.	132	\$390.00	\$51,480
Waterline Sub-total					\$164,591
SANITARY SEWER QUANTITIES					
1	CONNECT TO EXISTING 8" SANITARY SEWER	L.S.	6	\$950.00	\$5,700
2	6" SDR 26 PVC SERVICE LINE	L.F.	556	\$16.00	\$8,896
3	6" WYE & CO	EACH	3	\$250.00	\$750
4	TRENCHING 8'-10'	L.F.	556	\$14.00	\$7,784
5	TYPE 'A' AGGREGATE	TON	329	\$35.00	\$11,515
Sanitary Sewer Sub-total					\$34,645
DRAINAGE QUANTITIES					
1	18" RCP	L.F.	120	\$58.00	\$6,960
2	24" RCP	L.F.	144	\$85.00	\$12,240
3	30" RCP	L.F.	160	\$95.00	\$15,200
4	43 3/4" x 26 5/8" RCPA	L.F.	56	\$165.00	\$9,240
5	4'W x 6'D CONCRETE FLUME	L.F.	31	\$70.00	\$2,170
6	DES. 7-1 AREA INLET	EACH	1	\$3,650.00	\$3,650
7	DES. 7-2 AREA INLET	EACH	1	\$4,850.00	\$4,850
8	4' I.D. MANHOLE	EACH	2	\$3,850.00	\$7,700
9	6' x 6' JUNCTION BOX	EACH	1	\$4,650.00	\$4,650
10	P.C.E.S. FOR 18" RCP	EACH	1	\$1,850.00	\$1,850
11	P.C.E.S. FOR 24" RCP	EACH	2	\$2,150.00	\$4,300
12	P.C.E.S. FOR 30" RCP	EACH	1	\$2,450.00	\$2,450
13	P.C.E.S. FOR 43 3/4" x 26 5/8" RCPA	EACH	1	\$3,500.00	\$3,500
14	CONNECT TO EXISTING 42" RCP	L.S.	1	\$1,500.00	\$1,500
15	3' CUT OFF WALL	EACH	8	\$800.00	\$6,400
16	FLEXAMAT	S.Y.	35	\$100.00	\$3,500
17	TYPE 'A' AGGREGATE	TON	484	\$35.00	\$16,940
18	BOLLARD AT FLUME OPENING	EACH	6	\$800.00	\$4,800
Drainage Sub-total					\$111,900
IMHOFF WIDENING QUANTITIES					
1	5' WIDE SIDEWALK	L.F.	415	\$85.00	\$35,275
2	ADA RAMP (INCLUDES DOMES)	EACH	3	\$2,000.00	\$6,000
3	6" CURB & GUTTER	L.F.	439	\$24.50	\$10,756
4	2" TYPE 'S5' ASPHALTIC CONCRETE	S.Y.	521	\$16.00	\$8,336
5	4" TYPE 'S3' ASPHALTIC CONCRETE	S.Y.	521	\$28.50	\$14,849
6	6" MODIFIED SUBGRADE (14% CKD)	S.Y.	684	\$10.00	\$6,840
7	TRAFFIC CONTROL (INCLUDES STRIPING)	L.S.	1	\$10,000.00	\$10,000
Road Widening Sub-total					\$92,055
MISCELLANEOUS SITEWORK QUANTITIES					
1	EARTHWORK	C.Y.	10,000	\$6.00	\$60,000
2	CONSTRUCTION ENTRANCE	L.S.	1	\$3,800.00	\$3,800
3	EROSION CONTROL	L.S.	1	\$25,000.00	\$25,000
Misc. Sitework Sub-total					\$88,800
PRELIMINARY CIVIL SCOPE (CITY PORTION) SUB-TOTAL					\$491,991
20% CONTINGENCY					\$98,398
PRELIMINARY CIVIL SCOPE (CITY PORTION) + 20% CONTINGENCY					\$590,389

EXHIBIT F

INSURANCE REQUIREMENTS

A. Minimum Insurance Required During Construction. Prior to the commencement of any site work, construction activities, or other activities on or to the Property, Developer shall, at Developer's expense, obtain and shall thereafter continuously maintain in effect at all times until the Completion Date of the Project, not less than the coverage and limits of insurance described herein. The coverage and limits set forth below are the minimum acceptable to the City. In specifying minimum insurance requirements, however, the City does not represent that such insurance is adequate to protect Developer from loss, damage or liability arising from its work. The Developer is solely responsible to inform itself of types or amounts of insurance it may need beyond these requirements to protect itself. The Parties expressly intend that the provisions set forth herein shall be construed as broadly as permitted to be construed by applicable law to afford the maximum insurance coverage available under the Developer's insurance policies.

1. Workers' Compensation: Statutory, as required by law
2. Employer's Liability: \$1,000,000 Per Occurrence "Oklahoma" must appear in Item 3A of the declarations page.
2. Commercial General Liability (coverage to include premises and operations, products/completed operations, liability assumed under an insured contract, blanket contractual, independent contractors):
 - \$1,000,000 Per Occurrence for Bodily Injury and Property Damage
 - \$2,000,000 Products / Completed Operations
 - \$1,000,000 Contractual Liability
 - \$500,000 Fire Damage (any one fire)
 - \$25,000 Medical Payments (any one person)

The commercial general liability policy shall include coverage for property damage caused by blasting or explosion and collapse of or structural injury to any building or structure and also for property damage to underground utilities and facilities.

3. Automobile Liability (covering all owned, hired, and non-owned automobiles). Coverage shall include liability for bodily injury and property damage arising from the use or operation of any auto, including those owned, hired or otherwise operated or used in the performance of the work). The coverage shall be provided by Insurance Services Office form for Commercial Auto Coverage (CA-00-01-10-01) or equivalent.
 - \$1,000,000 Per Occurrence for Bodily Injury and Property Damage
 - \$2,000,000 Aggregate

4. Excess Liability:
 - \$2,000,000 Per Occurrence for Bodily Injury and Property Damage

\$5,000,000 Aggregate

The limits required hereunder can be met by either providing a primary policy or in combination with Excess Liability policy. To the extent that excess coverage is used to satisfy the limits of coverage required hereunder, the terms of such coverage shall be at least as broad as the primary underlying coverage, including amending the "other insurance" provisions as required so as to provide additional insured coverage on a primary non-contributory basis.

5. Builder's Risk: Property insurance written on a builder's risk "all-risk" or equivalent policy form in the amount of the Contract Sum, plus value of subsequent Construction Contract modifications, comprising total value for the entire work to be completed under the Construction Contract, on a replacement cost basis. Property insurance shall be on an "all-risk" or equivalent policy form and shall include, without limitation, insurance against the perils of fire (with extended coverage) and physical loss or damage including, without duplication of coverage, theft, vandalism, malicious mischief, collapse, earthquake (subject to sublimit), flood (subject to sublimit), windstorm, falsework, testing and startup, temporary buildings and debris removal including demolition and increased cost of construction occasioned by enforcement of any applicable legal requirements. The City of Norman shall be named additional insured. Any payment made under this policy shall be made jointly to the General Contractor or Construction Manager and the City of Norman. It is further agreed that any payment made under the Builder's Risk policy shall be reinvested into the Project.

6. Professional Liability Insurance. Developer shall cause its architect and every engineer or other professional who will perform services in connection with the design and construction of the Project to maintain professional liability insurance with limits of not less than One Million Dollars (\$1,000,000.00) for each claim and Two Million Dollars (\$2,000,000.00) in the aggregate, including coverage for injury or damage arising out of acts or omissions with respect to all design and engineering professional services provided by the architect of record, structural, electrical and mechanical engineers. Said policies shall be in effect at the time design work commences and shall remain in effect at all times during performance of the work and until two (2) years following completion of the Project.

B. Terms and Conditions Applicable to All Policies:

1. "Claims made" or "modified occurrence" policies will not be accepted.
2. The Commercial General Liability policy shall provide that policy shall be primary to and not contributory to any other valid and collectible insurance that may be available. Coverage may not contain deductibles greater than \$25,000 or self-insured retentions/ self-insurance without prior approval of the City of Norman.
3. The required insurance shall be maintained under forms of policies and from companies satisfactory to the City of Norman. The insurance company(ies) must have a financial rating of at least A- VII as defined by A.M. Best Company and must be authorized to transact business in the state of Oklahoma. Each insurance company's rating as shown in the latest Best's Key Rating Guide shall be fully disclosed and entered on the required certificate of insurance. Any

acceptance or Certificates of Insurance by the City, or failure of Developer to provide Certificates of Insurance, shall in no way limit or relieve Developer of its duties and responsibilities hereunder or under the Disposition and Development Agreement.

4. The City of Norman shall be named as an “additional insured” using Form CG 20 26 04 13 Additional Insured – Designated Person or Organization under the commercial general liability insurance policy and all other liability insurance policies with respect to liability arising out of activities, “operations” or “work” performed by or on behalf of Developer or its Contractor, and Form CG 20 39 for products and completed operations of Developer or its Contractor. ISO Form B – CG 20 10 11 85 or equivalent coverage shall be provided. If any policy provided in compliance with this section states that the insurance afforded to an Additional Insured will not be broader than that required by contract, or words of similar meaning, the Developer agrees that nothing in this section is intended to restrict or limit the breadth of such insurance.

5. If all or any portion of such insurance is canceled or expired, then all Work affected by such insurance shall be immediately stopped until either the required insurance is reinstated or replacement insurance is obtained.

6. The insurance required hereunder shall: (i) provide for severability of interests; and (ii) that an act or omission of one of the insured or additional insureds which would void or otherwise reduce coverage, shall not reduce or void the coverage as to the other named insureds.

7. The Developer shall ensure that its general contractor and its subcontractors shall procure and maintain insurance that complies with the requirements set forth herein and the Disposition and Development Agreement, including the additional insureds, primary and non-contributory and waiver of subrogation requirements. Copies of the certificates of insurance must be provided prior to the subcontractors’ performance of any work or entering the Property, or any portion thereof.

8. Where permitted by law, Developer shall require written express waivers subrogation and insurance clauses from each of its subcontractors of every tier.

9. Each policy or endorsement shall substantially provide: “It is agreed that in no event shall this insurance company have any right of recovery against the City of Norman.” If the policies of insurance require an endorsement to provide for continued coverage where there is a waiver of subrogation, endorsement CG 24 53 12 19 shall be provided. Developer agrees to hold harmless and indemnify the Additional Insureds for any loss or expense incurred as a result of Contractor’s or any subcontractor’s failure to obtain such waivers of subrogation.

10. Upon request, certified copies of all insurance policies shall be furnished to the City of Norman.

11. The City of Norman reserves the right to review the insurance requirements during the effective period and provide a written request for the Developer to make any reasonable and commercially available adjustments to insurance coverages and/or limits when deemed reasonably prudent by the City based upon their interpretation of changes in statutory law, court decisions or

the City's potential increase in exposure to loss, and as may be consistent with Insurance Practices. "Insurance Practices" means then-current, at the time of determination, ordinary, customary, and commercially reasonable insurance practices, requirements, and standards for buildings of a type, use, size, height, construction, location, and other characteristics generally similar to the Project. Insurance Practices take into account, among other things, then-current Law.

C. Certificates of Insurance. Prior to the commencement of any site work, construction activities, or other activities on or to the Property, Developer shall furnish to the City certificates of insurance and attach all required policy endorsements providing additional insured coverage and permitting waiver of subrogation, as evidence of the policies of insurance required herein. Renewal certificates shall be provided to the City of Norman, prior to expiration of the policies. The certificates are to be signed by a person authorized by the insurer(s) to bind coverage on their behalf. All policies shall include that there will be no cancellation, suspension, non-renewal, or reduction of coverage without thirty (30) days prior written notice (ten (10) days for non-payment of premium) to the City of Norman. Developer shall provide the City of Norman with written notification of any notice of cancellation, non-renewal, or modification it receives no later than five (5) days after receipt of insurer's notice so that the City of Norman has had at least twenty-five (25) days' notice before the policy is modified or cancelled. If Developer fails to give such notice to City or if the City is subject to damage or a claim because the insurance required hereunder is not in effect or no longer complies with the requirements of the Disposition and Development Agreement or this Exhibit F, then Developer shall indemnify, hold harmless, and defend the City of Norman, its officers, trustees, employees, representatives and agents against such damage or claim to the extent not covered by Developer's insurance. Receipt by the City of a non-conforming certificate of insurance or policy without objection, or the City's failure to collect a certificate of insurance shall not waive or alter Developer's duty to comply with the insurance requirements. Certificates of Insurance with the following or similar wording are not acceptable: "Failure to notify the certificate holder shall impose no obligation or liability of any kind upon the insurer, its agents or representatives." When any required insurance, due to the attainment of normal expiration date or renewal date, shall expire, the Developer shall furnish to the City the Certificates of Insurance and amendatory riders or endorsements that clearly evidence the continuation of all coverage in the same manner, limits of protection, and scope of coverage as was provided by the previous policy thirty (30) days prior to renewal date.

EXHIBIT G
OPTION AGREEMENT – LOT 1
(ATTACHED)

OPTION AGREEMENT

THIS OPTION AGREEMENT is made this __ day of _____, 2023 by and between City of Norman, Oklahoma (hereinafter referred to as "Seller"), and Milestone Property Development, LLC., an Oklahoma limited liability company, its successors and assigns (hereinafter referred to as the "Buyer").

WITNESSETH:

WHEREAS, the Seller is the owner of approximately 2.15 acres of real property located at the northeast corner of E. Imhoff Road and Oakhurst Road as more particularly described on **Exhibit A** attached hereto and by this reference incorporated herein (the "Property"); and

WHEREAS, the Buyer intends to acquire the Property from the Seller to design, construct, finance, own and manage a new affordable housing development and related amenities in accordance with the minimum development requirements and criteria set forth in Buyer's response to the Seller's request for proposals, and subsequently approved by Seller ("Project"); and

WHEREAS, Buyer requested and Seller agree to grant Buyer an option to purchase the Property for the future development of the Project, in accordance with the terms set forth herein.

NOW, THEREFORE, for and in consideration of the sum of One Hundred Dollars (\$100.00) (the "Option Fee") paid by the Buyer, the receipt of which is hereby acknowledged, the parties agree as follows:

1. Option to Purchase. Seller hereby grants to the Buyer the exclusive right and option to purchase in fee simple the Property ("Option"). The Option hereby granted shall remain in effect and may be exercised by Buyer until 5:00 p.m. on November 1st, 2024. (the "Termination Date"). The Termination Date may be extended by the agreement of the parties.
2. Credit Against Purchase Price. If the Buyer exercises the Option, the Option Fee shall be credited against the Purchase Price. If the Buyer does not exercise the Option, then the Option Fee shall become the sole property of the Seller.
3. Purchase Price. The purchase price for the Property shall be Two Hundred Forty-Five Thousand and No/100 Dollars (\$245,000.00) ("Purchase Price").
4. Feasibility Period. The Buyer agrees that it shall use the Property to develop the Project for low- and moderate-income individuals and families which qualify for federal and state tax credits and as specifically set forth in the Deed. While this Agreement remains in force, Buyer shall determine whether the Project can be developed on the Property consistent with this use.
5. Cooperation by Seller. Seller shall cooperate to the best of its ability with Buyer, to assist Buyer in Buyer's effort to obtain all requisite governmental approvals, permits, variances

and special exceptions needed to redevelop the Property. However, all costs approved by the Buyer, related to obtaining: the requisite governmental approvals, easements, and any necessary changes to lot lines shall be borne by Buyer except those costs specifically outlined in Section 8 of this Option.

6. Representations. The truthfulness and accuracy of the following representations, deemed to have been relied upon by Buyer, are that as of the date hereof and on the date of closing:

a. Fee simple, recorded legal and equitable title to the Property is exclusively vested in Seller as set forth in the title policies and reports that have been delivered to the Buyer. Seller further agrees to use its best efforts to assist Buyer in obtaining all governmental approvals necessary to redevelop the Property.

b. The title to the Property is subject to no tenancy or other right of use that will interfere with Buyer's anticipated redevelopment of the Property.

c. Except as between Seller and Buyer, there exist no oral or written contracts or agreements affecting or relating to the Property and no contracts or agreements to option, purchase or sell the property shall be entered into during the Option Period. No work has been done or materials provided which may give rise to a claim for a mechanics or artisans lien.

d. As of the date of this Option, there are no violations of, and Seller has received no notice or other record of any violation of any federal, state or municipal laws, ordinances, orders, regulations and requirements affecting the Property or any portion thereof; and

7. Right of Entry; Indemnification. Seller grants Buyer the right to enter the Property at any reasonable time with notice to Seller prior to closing for the purpose of making surveys, engineering studies, soil tests and any other test the Buyer deems necessary. Buyer shall not unduly damage the Property and shall perform all tests in a safe and workmanlike manner. Buyer shall restore the Property to substantially its original condition. Buyer agrees to indemnify Seller for any and all costs, liabilities and expenses, including reasonable attorney's fees, incurred by Seller as a result of, or in any way related to, Buyer's activities on the Property. Buyer shall provide Seller with evidence of insurance with coverages and policy amounts required by Seller and provide Seller with a certificate naming the Seller as an additional insured.

8. Regulatory Approvals. Seller agrees to pay for all costs associated with the requisite approvals for the re-platting and rezoning of the Property. Buyer shall assume responsibility for all other predevelopment expenses including all costs associated with obtaining the requisite approvals from HUD, if applicable, and the requisite government authorities, including but not limited to engineering fees, legal fees, county fees, etc. which are in addition those costs being borne by the Seller as described above.

9. Cost of Transfer. Rents, taxes, water rent and any other governmental assessment to be apportioned to date of settlement. Transfer taxes and documentary stamps are to be paid by Buyer.

10. Title. Title shall be good and merchantable, free of liens and encumbrances other than the mortgages the Buyer will assume as part of the Purchase Price and the mortgage securing a proposed loan to be made by Seller in support of the Project (“Seller Loan”), including free of all notices of violations or orders or requirements noted or issued by any county or local authority, or actions in any Court on account thereof against or affecting the Property, except use and occupancy restrictions of public record, and other Project-related conditions and covenants. Title shall be such as will be insurable by a licensed title insurance company at its standard rates.

Title shall be conveyed to Buyer or its designee by Special Warranty Deed, in form and substance approved by Seller, containing covenants of special warranty and further assurances.

12. Supplemental Agreement. Additional terms with respect to the Seller Loan and Property acquisition will be set forth in one or more separate agreements executed by the parties on or before the Termination Date. Buyer will provide Seller at least fifteen (15) days advance notice of Buyer’s intention to exercise its option to purchase the Property, by furnishing Seller with written notice of Buyer’s exercise of Option.

13. Purchaser’s Offer/Date of Agreement. The effective date of this Agreement for all purposes shall be deemed to be the date set forth above.

14. Notices. All notices are to be sent by certified U.S. Mail, return receipt requested, postage prepaid, or by a recognized national delivery service.

If to the Seller: City of Norman, Oklahoma
201 W. Gray
Norman, OK 73069
Attn: City Attorney

If to Buyer: Thomas Gorman
Milestone Property Development, LLC
398060 W 2200 Road,
Bartlesville, OK 74006

With copy to: Chesapeake Community Advisors, Inc.
2700 Lighthouse Point East
Suite 230
Baltimore, Maryland 21224

15. Amendments. No supplement, modification or amendment to this Option Agreement shall be binding unless executed in writing by the parties hereto.

16. Choice of Law: This Agreement shall be governed by and construed in accordance with the laws of the State of Oklahoma.

17. Assignment. Buyer may assign its rights under this Option Agreement to a single-purpose entity formed by Buyer for purposes of securing low income housing tax credits, and to develop and own the Project, provided the assignee assumes in writing all of the obligations of Buyer under this Agreement and any other agreements between Seller and Buyer with respect to the Property.

(signature page follows)

IN WITNESS WHEREOF, the parties hereunto set their hands and seal intending to be bound thereby.

SELLER: City of Norman, Oklahoma

By: _____
Mayor

Attest:

City Clerk

(SEAL)

Reviewed for form and legality this _____ day of _____, 2023.

City Attorney

EXHIBIT A

Legal Description of Property

A tract of land lying in the Southeast Quarter (SE/4) of Section Four (4), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma and being more particularly described as follows:

COMMENCING at the Southeast corner of said SE/4; **THENCE** South 88°50'06" West along the South line of said SE/4 a distance of 1321.04 feet; **THENCE** North 01°09'54" West a distance of 50.00 feet to the **POINT OF BEGINNING**;

THENCE North 45°05'45" West a distance of 33.84 feet;
THENCE North 00°00'00" West a distance of 402.54 feet;
THENCE North 90°00'00" East a distance of 50.00 feet;
THENCE South 00°00'00" East a distance of 99.19 feet;
THENCE North 89°54'50" East a distance of 180.78 feet;
THENCE South 00°10'21" East a distance of 90.62 feet;
THENCE North 89°54'50" East a distance of 60.01 feet;
THENCE South 00°10'26" East a distance of 231.54 feet;
THENCE South 88°50'06" West a distance of 267.85 feet to the **POINT OF BEGINNING**.

Said tract contains 2.15 acres, more or less.

EXHIBIT H
OPTION AGREEMENT – LOT 2
(ATTACHED)

OPTION AGREEMENT

THIS OPTION AGREEMENT is made this __ day of _____, 2023 by and between City of Norman, Oklahoma (hereinafter referred to as "Seller"), and Milestone Property Development, LLC., an Oklahoma limited liability company, its successors and assigns (hereinafter referred to as the "Buyer").

WITNESSETH:

WHEREAS, the Seller is the owner of approximately 2.30 acres of real property located at the northeast corner of E. Imhoff Road and Oakhurst Road as more particularly described on **Exhibit A** attached hereto and by this reference incorporated herein (the "Property"); and

WHEREAS, the Buyer intends to acquire the Property from the Seller to design, construct, finance, own and manage a new affordable housing development and related amenities in accordance with the minimum development requirements and criteria set forth in Buyer's response to the Seller's request for proposals, and subsequently approved by Seller ("Project"); and

WHEREAS, Buyer requested and Seller agree to grant Buyer an option to purchase the Property for the future development of the Project, in accordance with the terms set forth herein.

NOW, THEREFORE, for and in consideration of the sum of One Hundred Dollars (\$100.00) (the "Option Fee") paid by the Buyer, the receipt of which is hereby acknowledged, the parties agree as follows:

1. Option to Purchase. Seller hereby grants to the Buyer the exclusive right and option to purchase in fee simple the Property ("Option"). The Option hereby granted shall remain in effect and may be exercised by Buyer until 5:00 p.m. on November 1st, 2024. (the "Termination Date"). The Termination Date may be extended by the agreement of the parties.
2. Credit Against Purchase Price. If the Buyer exercises the Option, the Option Fee shall be credited against the Purchase Price. If the Buyer does not exercise the Option, then the Option Fee shall become the sole property of the Seller.
3. Purchase Price. The purchase price for the Property shall be Two Hundred Eighty Thousand and No/100 Dollars (\$280,000.00) ("Purchase Price").
4. Feasibility Period. The Buyer agrees that it shall use the Property to develop the Project for low- and moderate-income individuals and families which qualify for federal and state tax credits and as specifically set forth in the Deed. While this Agreement remains in force, Buyer shall determine whether the Project can be developed on the Property consistent with this use.
5. Cooperation by Seller. Seller shall cooperate to the best of its ability with Buyer, to assist Buyer in Buyer's effort to obtain all requisite governmental approvals, permits, variances

and special exceptions needed to redevelop the Property. However, all costs approved by the Buyer, related to obtaining: the requisite governmental approvals, easements, and any necessary changes to lot lines shall be borne by Buyer except those costs specifically outlined in Section 8 of this Option.

6. Representations. The truthfulness and accuracy of the following representations, deemed to have been relied upon by Buyer, are that as of the date hereof and on the date of closing:

a. Fee simple, recorded legal and equitable title to the Property is exclusively vested in Seller as set forth in the title policies and reports that have been delivered to the Buyer. Seller further agrees to use its best efforts to assist Buyer in obtaining all governmental approvals necessary to redevelop the Property.

b. The title to the Property is subject to no tenancy or other right of use that will interfere with Buyer's anticipated redevelopment of the Property.

c. Except as between Seller and Buyer, there exist no oral or written contracts or agreements affecting or relating to the Property and no contracts or agreements to option, purchase or sell the property shall be entered into during the Option Period. No work has been done or materials provided which may give rise to a claim for a mechanics or artisans lien.

d. As of the date of this Option, there are no violations of, and Seller has received no notice or other record of any violation of any federal, state or municipal laws, ordinances, orders, regulations and requirements affecting the Property or any portion thereof; and

7. Right of Entry; Indemnification. Seller grants Buyer the right to enter the Property at any reasonable time with notice to Seller prior to closing for the purpose of making surveys, engineering studies, soil tests and any other test the Buyer deems necessary. Buyer shall not unduly damage the Property and shall perform all tests in a safe and workmanlike manner. Buyer shall restore the Property to substantially its original condition. Buyer agrees to indemnify Seller for any and all costs, liabilities and expenses, including reasonable attorney's fees, incurred by Seller as a result of, or in any way related to, Buyer's activities on the Property. Buyer shall provide Seller with evidence of insurance with coverages and policy amounts required by Seller and provide Seller with a certificate naming the Seller as an additional insured.

8. Regulatory Approvals. Seller agrees to pay for all costs associated with the requisite approvals for the re-platting and rezoning of the Property. Buyer shall assume responsibility for all other predevelopment expenses including all costs associated with obtaining the requisite approvals from HUD, if applicable, and the requisite government authorities, including but not limited to engineering fees, legal fees, county fees, etc. which are in addition those costs being borne by the Seller as described above.

9. Cost of Transfer. Rents, taxes, water rent and any other governmental assessment to be apportioned to date of settlement. Transfer taxes and documentary stamps are to be paid by Buyer.

10. Title. Title shall be good and merchantable, free of liens and encumbrances other than the mortgages the Buyer will assume as part of the Purchase Price and the mortgage securing a proposed loan to be made by Seller in support of the Project (“Seller Loan”), including free of all notices of violations or orders or requirements noted or issued by any county or local authority, or actions in any Court on account thereof against or affecting the Property, except use and occupancy restrictions of public record, and other Project-related conditions and covenants. Title shall be such as will be insurable by a licensed title insurance company at its standard rates.

Title shall be conveyed to Buyer or its designee by Special Warranty Deed, in form and substance approved by Seller, containing covenants of special warranty and further assurances.

12. Supplemental Agreement. Additional terms with respect to the Seller Loan and Property acquisition will be set forth in one or more separate agreements executed by the parties on or before the Termination Date. Buyer will provide Seller at least fifteen (15) days advance notice of Buyer’s intention to exercise its option to purchase the Property, by furnishing Seller with written notice of Buyer’s exercise of Option.

13. Purchaser’s Offer/Date of Agreement. The effective date of this Agreement for all purposes shall be deemed to be the date set forth above.

14. Notices. All notices are to be sent by certified U.S. Mail, return receipt requested, postage prepaid, or by a recognized national delivery service.

If to the Seller: City of Norman, Oklahoma
201 W. Gray
Norman, OK 73069
Attn: City Attorney

If to Buyer: Thomas Gorman
Milestone Property Development, LLC
398060 W 2200 Road,
Bartlesville, OK 74006

With copy to: Chesapeake Community Advisors, Inc.
2700 Lighthouse Point East
Suite 230
Baltimore, Maryland 21224

15. Amendments. No supplement, modification or amendment to this Option Agreement shall be binding unless executed in writing by the parties hereto.

16. Choice of Law: This Agreement shall be governed by and construed in accordance with the laws of the State of Oklahoma.

17. Assignment. Buyer may assign its rights under this Option Agreement to a single-purpose entity formed by Buyer for purposes of securing low income housing tax credits, and to develop and own the Project, provided the assignee assumes in writing all of the obligations of Buyer under this Agreement and any other agreements between Seller and Buyer with respect to the Property.

(signature page follows)

IN WITNESS WHEREOF, the parties hereunto set their hands and seal intending to be bound thereby.

SELLER: City of Norman, Oklahoma

By: _____
Mayor

Attest:

City Clerk

(SEAL)

Reviewed for form and legality this _____ day of _____, 2023.

City Attorney

IN WITNESS WHEREOF, the parties hereunto set their hands and seal intending to be bound thereby.

BUYER:

Milestone Property Development, LLC,
an Oklahoma limited liability company

By: _____
Thomas Gorman, Manager

ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
) ss.
COUNTY OF _____)

Before me, the undersigned, a Notary Public in and for said County and State, on this _____ day of _____, 2023, personally appeared Thomas A. Gorman, Manager of Milestone Property Development, LLC, an Oklahoma limited liability company, and acknowledged to me that he executed the same as his free and voluntary act for the uses and purposes therein set forth.

Witness my hand and official seal the day and year above written.

Notary Public

My Commission Expires: _____
My Commission Number: _____

(SEAL OR STAMP)

EXHIBIT A

Legal Description of Property

A tract of land lying in the Southeast Quarter (SE/4) of Section Four (4), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma and being more particularly described as follows:

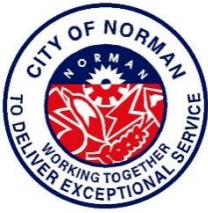
COMMENCING at the Southeast corner of said SE/4; **THENCE** South 88°50'06" West along the South line of said SE/4 a distance of 882.21 feet; **THENCE** North 01°05'28" West a distance of 50.00 feet to the **POINT OF BEGINNING**;

THENCE South 88°50'06" West a distance of 172.87 feet;
THENCE North 00°10'26" West a distance of 231.54 feet;
THENCE South 89°54'50" West a distance of 60.01 feet;
THENCE North 00°10'21" West a distance of 90.62 feet;
THENCE South 89°54'50" West a distance of 180.78 feet;
THENCE North 00°00'00" West a distance of 99.19 feet;
THENCE North 90°00'00" East a distance of 406.65 feet;
THENCE South 01°05'28" East a distance of 417.55 feet to the **POINT OF BEGINNING**.

Said tract contains 2.30 acres, more or less.

File Attachments for Item:

42. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF PP-2122-2: A PRELIMINARY PLAT FOR DESTIN LANDING ADDITION, A PLANNED UNIT DEVELOPMENT (GENERALLY LOCATED SOUTH OF CEDAR LANE ROAD AND ONE-QUARTER MILE WEST OF 36TH AVENUE SE).



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: Ken Danner, Subdivision Development Manager

PRESENTER: Shawn O'Leary, Director of Public Works

TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF PP-2122-2: A PRELIMINARY PLAT FOR DESTIN LANDING ADDITION, A PLANNED UNIT DEVELOPMENT (GENERALLY LOCATED SOUTH OF CEDAR LANE ROAD AND ONE-QUARTER MILE WEST OF 36TH AVENUE SE).

BACKGROUND:

This item is a preliminary plat for Destin Landing Addition, a Planned Unit Development that is generally located south of Cedar Lane Road and one-quarter mile west of 36th Avenue S.E. This property consists of 90.68 acres including 36.50 acres of open space/park land. There are 301 single-family residential lots. At the time the PUD, Planned Unit Development, zoning was approved, City Council approved an overall Master Plan. Within the Master Plan included Parks decision, Storm Water Master Plan, Transportation Impacts, Traffic Impact Analysis, Water Distribution Report, Wastewater Collection System and Phase 1A and 1B Utilities Map. This development is a portion of the overall property.

Planning Commission, at its meeting of September 9, 2021, recommended to City Council the approval of the preliminary plat for Destin Landing Addition, a Planned Unit Development.

DISCUSSION:

The proposed 301 single-family residential lots are expected to generate approximately 2,866 trips per day, 220 AM peak hour trips, and 292 PM peak hour trips. The developer submitted a traffic impact analysis documenting the trip generation information for these 301 single family residential lots as well as the projected additional traffic from the planned nearby developments such as the Bellatona and Summit Valley Additions to the north of State Highway 9 along 36th Avenue SE, the St. James Park Addition and the Norman Regional Hospital East development along 24th Avenue SE between Cedar Lane Road and State Highway 9, and a proposed future retail development at the southwest corner of Cedar Lane Road and 24th Avenue SE. The proposed location of the development is along the south side of Cedar Lane Road and along the west side of 36th Avenue SE.

STREET	NO. OF LANES	BACKGROUND TRAFFIC (Veh/day)	PROJECTED TRAFFIC (Veh/day)	TOTAL PROJECTED TRAFFIC (Veh/day)	ROADWAY CAPACITY L.O.S. "E"	% CAPACITY USED (EXISTING)	% CAPACITY USED (PROJECTED)
Cedar Lane Rd	2	1,928	1,146	3,074	17,100	11.28	17.98
Post Oak Rd	2	1,605	573	2,178	17,100	9.39	12.74
36 th Ave SE	2	1,147	1,290	2,437	17,100	7.54	14.25

The proposed addition will access Cedar Lane Road with Drive #1, as it is currently identified in the traffic impact analysis, and Drive #2 which connects to 36th Avenue SE. Capacity exceeds current demand in this area. As such, no off-site improvements are anticipated. However, the developer will be required to pay \$5,505.29 in traffic impact fees toward future signalization of the Classen Boulevard and Post Oak Road intersection. The development is also required to pay impact fees toward US 77 at Cedar Lane Road, Cedar Lane Road at 24th Avenue SE, SH-9 at 36th Avenue SE, Post Oak Road at 36th Avenue SE and Cedar Lane Road which includes Cedar Lane Road at 36th Avenue SE totaling \$73,610.08. This fee is required to be paid with the filing of the Final Plat.

PUBLIC IMPROVEMENTS.

1. **Fire Hydrants.** Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.
2. **Sanitary Sewers.** Sanitary sewer improvements will be constructed in accordance with approved plans and City and State Department of Environmental Quality standards. A proposed lift station will be installed north of Cedar Lane Road and west of 36th Avenue S.E. Utilities Department supports the sanitary sewer solution as long as the developer and City Council approve a Lift Station Agreement and Fee to be included on future utility bills for this development.
3. **Sidewalks.** Sidewalks will be deferred with final platting adjacent to a 36th Avenue S.E. and Cedar Lane Road. The developer will construct sidewalks adjacent to all interior streets including open space properties.
4. **Storm Sewers.** Storm sewers and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Privately maintained detention facilities will be constructed for the conveyance of storm water.
5. **Streets.** Streets will be constructed in accordance with approved plans and City paving standards. Street paving will be deferred for Cedar Lane Road and 36th Avenue S.E.
6. **Water Mains.** Water mains will be installed in accordance with approved plans and City and Department of Environmental Quality standards. There is an existing 12" water main west of this property. The developer will extend a 16" water main adjacent to Cedar Lane Road to the entry of the development. A 16" water main will be installed adjacent to 36th Avenue S.E. at the entry of the development.

7. **Trails**. Trail systems are shown on the preliminary plat. This meets the requirements of the Master Plan as approved by City Council.

PUBLIC DEDICATIONS.

1. **Rights-of-Way and Easements**. All rights-of-way and easements will be dedicated to the City with final platting.

RECOMMENDATIONS:

Staff recommends approval of the revised preliminary plat for Turtle Crossing Addition.

E. CEDAR LANE & 30TH AVE. S.E.
NORMAN, OKLAHOMA

DESTIN LANDING

SMC
SMC Consulting Engineers, P.C.
1000 N. WESTERN AVE., SUITE 200
NORMAN, OKLAHOMA 73061
TEL: 405.894.1234
FAX: 405.894.1235
WWW.SMCENGINEERS.COM

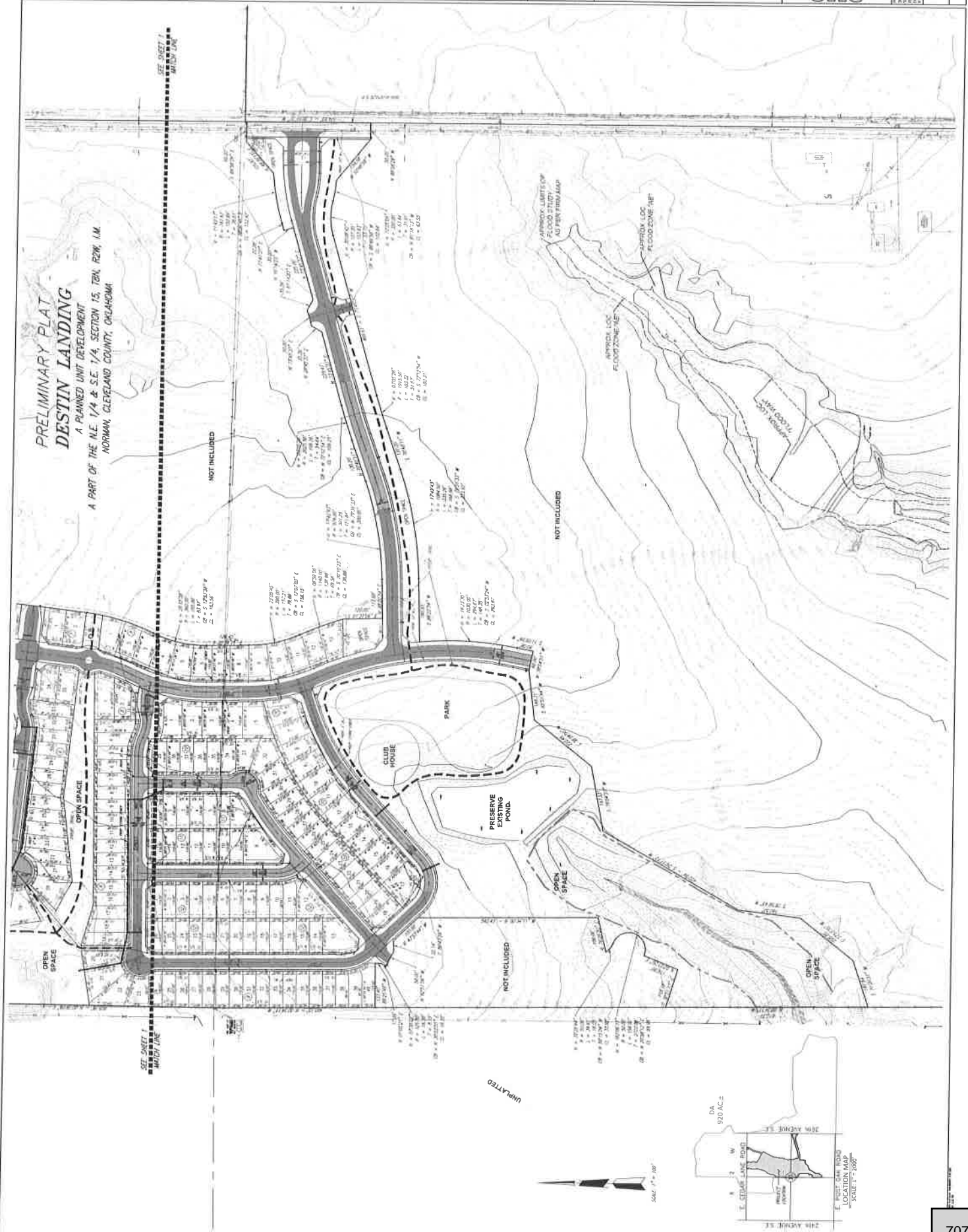
DESIGNED BY:
SMC CONSULTING ENGINEERS, P.C.
1000 N. WESTERN AVE., SUITE 200
NORMAN, OKLAHOMA 73061
TEL: 405.894.1234
FAX: 405.894.1235
WWW.SMCENGINEERS.COM

DATE: 11/15/11

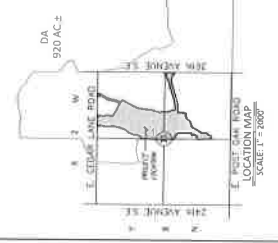
PROJECT: DESTIN LANDING

CLIENT: [REDACTED]

PRELIMINARY PLAT
DESTIN LANDING
A PLANNED UNIT DEVELOPMENT
A PART OF THE N.E. 1/4 & S.E. 1/4, SECTION 15, T8N, R20E, 11M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA



UNPLATTED



Preliminary Site Development Plan
DESTIN LANDING
 A PLANNED UNIT DEVELOPMENT
 A PART OF THE N.E. 1/4 & S.E. 1/4, SECTION 15, T8N, R2W, 14M.
 NORMAN, CLEVELAND COUNTY, OKLAHOMA

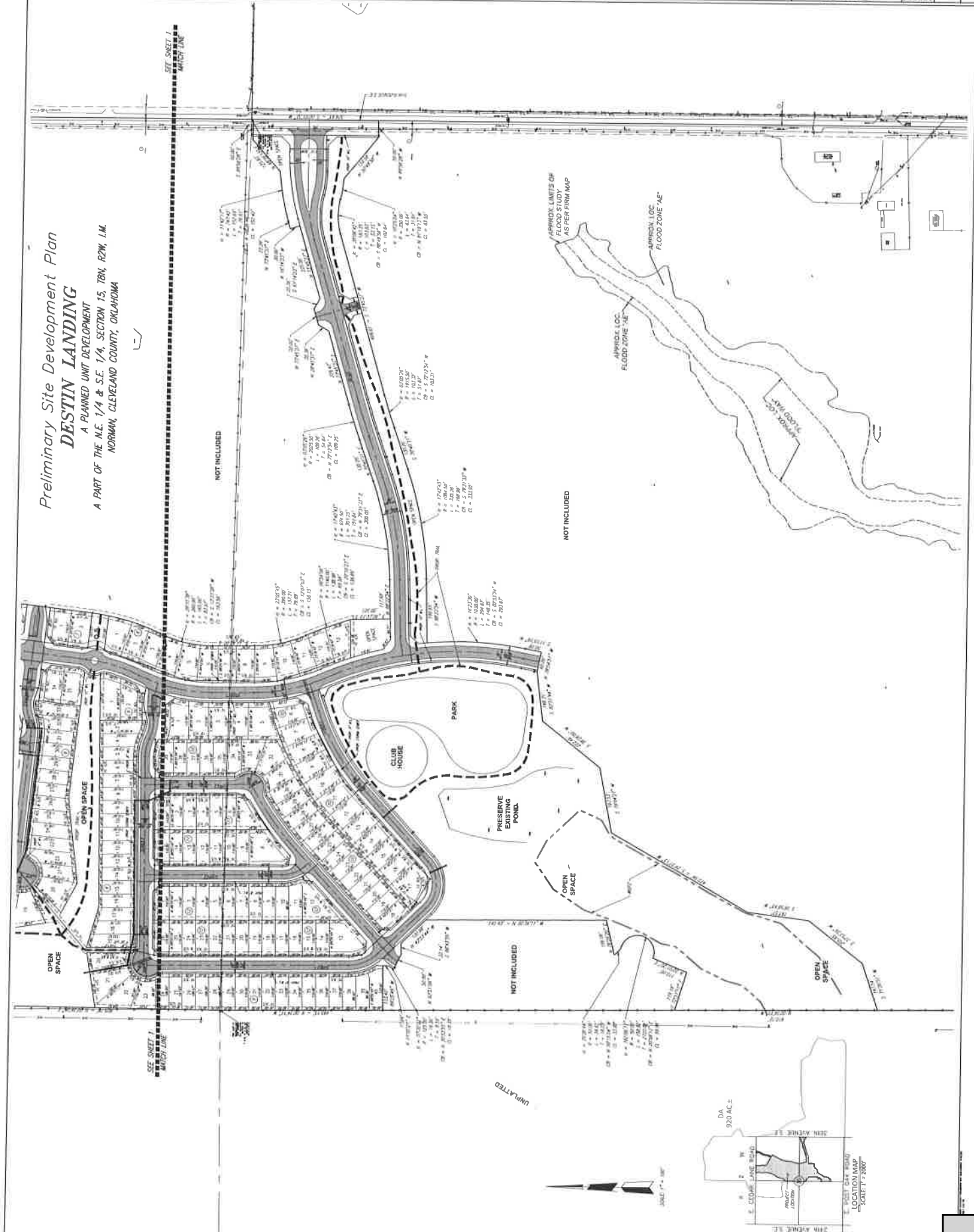
OWNER / DEVELOPER:
 SMC DEVELOPMENT, LLC
 2302 N. UNIVERSITY CT.
 NORMAN, OKLAHOMA 73106

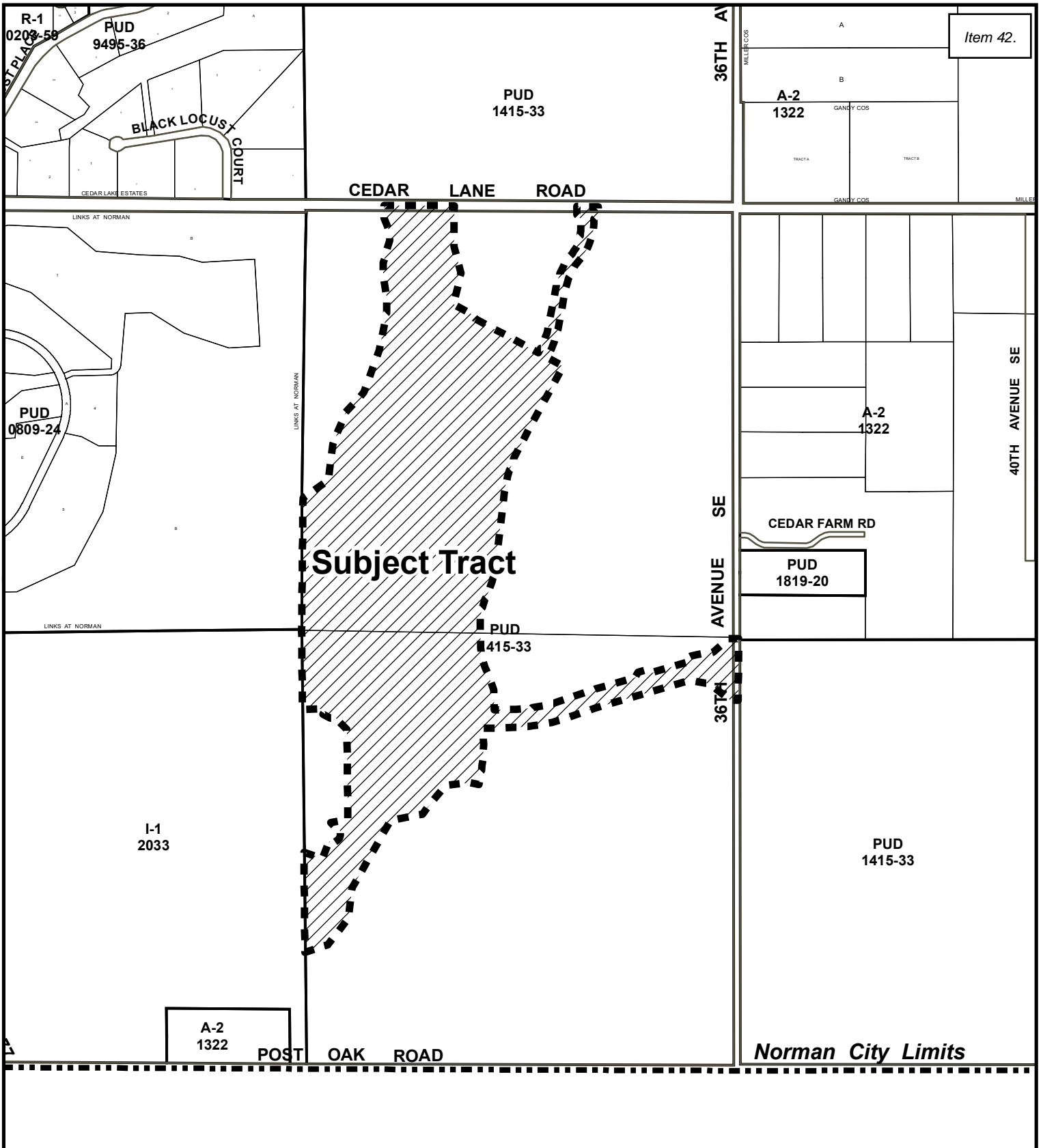
DESIGNER:
 SMC DEVELOPMENT, P.C.
 2302 N. UNIVERSITY CT.
 NORMAN, OKLAHOMA 73106

DESTIN LANDING
 E. CEDAR LANE & 36TH AVE. S.E.
 NORMAN, OKLAHOMA

SMC
 SMC DEVELOPMENT, P.C.
 2302 N. UNIVERSITY CT.
 NORMAN, OKLAHOMA 73106
 PHONE: (405) 833-1111
 FAX: (405) 833-1112
 WWW.SMCDEV.COM

Item 42.

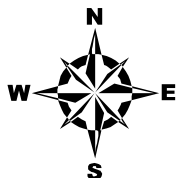




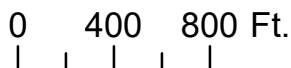
Location Map



Map Produced by the City of Norman Geographic Information System. The City of Norman assumes no responsibility for errors or omissions in the information presented.



July 6, 2021



Subject Tract

Zoning

710

PRELIMINARY PLAT
PP-2122-2

ITEM NO. 5

STAFF REPORT

ITEM: Consideration of a **PRELIMINARY PLAT FOR DESTIN LANDING ADDITION, A PLANNED UNIT DEVELOPMENT.**

LOCATION: Generally located south of Cedar Lane Road and one-quarter mile west of 36th Avenue S.E.

INFORMATION:

1. Owners. Farzaneh Development Group, LLLP.
2. Developer. Farzaneh Development Group, LLLP.
3. Engineer. SMC Consulting Engineers P.C.

HISTORY:

1. October 21, 1961. City Council adopted Ordinance No. 1318 annexing this property into the Norman Corporate City Limits without zoning.
2. October 30, 1961. Planning Commission recommended to City Council that this property be placed in A-2, Rural Agricultural District.
3. December 12, 1961. City Council adopted Ordinance No. 1322 placing this property in A-2, Rural Agricultural District.
4. October 1, 2016. The Norman Board of Parks Commissioners accepted the Destin Landing Master Plan.
5. February 11, 2016. Planning Commission, on a vote of 6-0, recommended to City Council amending the NORMAN 2025 Land Use and Transportation Plan from Very Low Density Residential Designation to Mixed Use Designation.
6. February 11, 2016. Planning Commission, on a vote of 6-0, recommended to City Council that this property be removed from A-2, Rural Agricultural District to PUD, Planned Unit Development.

7. April 12, 2016. City Council amended the NORMAN 2025 Land Use and Transportation Plan placing this property in the Mixed Use Designation and removing it from Very Low Density Residential Designation.
8. April 12, 2016. City Council adopted Ordinance No. O-1415-33 placing this property in the PUD, Planned Unit Development and removing it from A-2, Rural Agricultural District. The Destin Landing Master Plan was included with the rezoning.

IMPROVEMENT PROGRAM:

1. Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. The Norman Fire Department will review their locations.
2. Permanent Markers. Permanent markers will be installed prior to filing of the final plat.
3. Sanitary Sewers. Sanitary sewer improvements will be constructed in accordance with approved plans and City and State Department of Environmental Quality standards. A proposed lift station will be installed north of Cedar Lane Road and west of 36th Avenue S.E. Utilities Department supports the sanitary sewer solution as long as the developer and City Council approve a Lift Station Agreement and Fee to be included on future utility bills for this development.
4. Sidewalks. Sidewalks will be deferred with final platting adjacent to a 36th Avenue S.E. and Cedar Lane Road. The developer will construct sidewalks adjacent to all interior streets including open space properties.
5. Storm Sewers. Storm sewers and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Privately maintained detention facilities will be constructed for the conveyance of storm water.
6. Streets. Streets will be constructed in accordance with approved plans and City paving standards. Street paving will be deferred for Cedar Lane Road and 36th Avenue S.E.
7. Water Mains. Water mains will be installed in accordance with approved plans and City and Department of Environmental Quality standards. There is an existing 12" water main west of this property. The developer will extend a 16" water main adjacent to Cedar Lane Road to the entry of the development. A 16" water main will be installed adjacent to 36th Avenue S.E. at the entry of the development.
8. Trails. Trail systems are shown on the preliminary plat. This meets the requirements of the Master Plan as approved by City Council.

PUBLIC DEDICATIONS:

1. Easements. All required easements will be dedicated to the City on a final plat.
2. Rights-of-Way. Street rights-of-way will be dedicated to the City on a final plat.

SUPPLEMENTAL MATERIAL: Copies of a location map, preliminary plat and preliminary site development plan are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: This property consists of 90.68 acres including 36.50 acres of open space/park land. There are 301 single-family residential lots. At the time the PUD zoning was approved, City Council approved an overall Master Plan. Within the Master Plan included Parks decision, Storm Water Master Plan, Transportation Impacts, Traffic Impact Analysis, Water Distribution Report, Wastewater Collection System and Phase 1A and 1B Utilities Map. Staff can support the preliminary plat for Destin Landing Addition, a Planned Unit Development based on the fact it follows the guidelines of the Master Plan previously approved by City Council.

ACTION NEEDED: Recommend approval or disapproval of the preliminary plat and preliminary site development plan to the City Council.

ACTION TAKEN: _____

City Council Agenda

PP-2122-2

October 10, 2023

ITEM: CONSIDERATION OF ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF A PRELIMINARY PLAT FOR DESTIN LANDING ADDITION, A PLANNED UNIT DEVELOPMENT.

LOCATION: Generally located south of Cedar Lane Road and one-quarter mile west of 36th Avenue S.E.

INFORMATION:

1. Owner. Farzaneh Development Group, LLLP.
2. Developer. Farzaneh Development Group, LLLP.
3. Engineer. SMC Consulting Engineers, PC.

HISTORY:

1. Refer to the Planning Commission Staff, September 9, 2021.
2. April 12, 2016. City Council adopted Ordinance No. O-1415-33 placing this property in the PUD, Planned Unit Development and removing it from A-2, Rural Agricultural District. The Destin Landing Master Plan was included with the rezoning.
3. September 9, 2021. Planning Commission, on a vote of 6-0, recommended to City Council the approval of the preliminary plat for Destin Landing Addition, a Planned Unit Development.

IMPROVEMENT PROGRAM:

1. Refer to the Planning Commission Staff Report, September 9, 2021.

PUBLIC DEDICATIONS:

1. Refer to the Planning Commission Staff Report, September 9, 2021.

SUPPLEMENTAL MATERIAL: Copies of an advisory memorandum; location map; preliminary plat; Staff Report recommending approval; and pertinent excerpts from Planning Commission minutes are included in the Agenda Book.

ACTION NEEDED: Approve or reject the preliminary plat for Destin Landing Addition, a Planned Unit Development.

ACTION TAKEN: _____

File Attachments for Item:

43. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-31: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND FARZANEH DEVELOPMENT, LLLP, AUTHORIZING COLLECTION OF A MONTHLY LIFT STATION FEE FROM DEVELOPED LOTS IN THE DESTIN LANDING DEVELOPMENT FOR THE OPERATION, MAINTENANCE AND REPLACEMENT OF THE DESTIN LANDING LIFT STATION AS OUTLINED IN THE STAFF REPORT.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: Nathan Madenwald, Utilities Engineer

PRESENTER: Nathan Madenwald, Utilities Engineer

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-31: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND FARZANEH DEVELOPMENT, LLLP, AUTHORIZING COLLECTION OF A MONTHLY LIFT STATION FEE FROM DEVELOPED LOTS IN THE DESTIN LANDING DEVELOPMENT FOR THE OPERATION, MAINTENANCE AND REPLACEMENT OF THE DESTIN LANDING LIFT STATION AS OUTLINED IN THE STAFF REPORT.

BACKGROUND:

In 2003, the general policy was modified to allow installation of new lift stations if long-term operation, maintenance and capital equipment replacement costs (OM&R) were borne by the users of the new lift station (LS). An administrative Lift Station Fee collected through utility billing and applicable to each lot or customer in the new development was implemented through a contractual agreement.

To date, the Norman Utilities Authority (NUA) has approved sixteen lift station agreements as follows:

1. Summit Lakes Addition (K-0304-51 approved 8/26/2003);
2. Summit Valley Addition (K-0304-57 approved 9/25/2003);
3. Eagle Cliff South Addition (K-0304-58 approved 10/14/2003);
4. Cobblestone West Addition (K-0405-119 approved 02/22/2005);
5. Alameda Park Addition (K-0506-30 approved 07/12/2005);
6. Red Rock Canyon Addition and Park Hill Addition (K-0506-139 approved 05/09/2006);
7. Siena Springs Addition (K-0607-70 approved 10/10/2006);
8. Links at Norman PUD (K-0809-115 approved 04/14/2009);
9. Stone Lake Addition (K-1415-130 approved 04/28/2015);
10. The Barn at Terra Verde (K-1819-59 approved 09/24/2018);
11. Eagle Cliff South Section 7 Addition (K-1920-48 approved 9/24/2019);
12. Turtle Crossing (K-1920-111 approved 3/24/2020);
13. Varenna Landing (K-2021-40 approved 8/25/2020);
14. NRH Medical Park West Section 2 Replat (K-2021-88 approved 4/13/2021);

15. Eagle Cliff West (K-2122-17 approved 6/27/2023); and
16. Armstrong Bank for Post Oak Lift Station (K-2324-32 approved 9/26/2023).

DISCUSSION:

The proposed Destin Landing Development will be served by a new lift station constructed by the developer to meet City standards. The preliminary plat for the development area was considered by Planning Commission on September 9, 2021, and is proposed as a companion item for City Council on this docket. This contract must be approved by the developer of Destin Landing Development requiring them to fund a portion of the ongoing OM&R of the proposed LS.

The developer of Destin Landing, Farzaneh Development, LLLP, is willing to implement the LS OM&R fee for the preliminary plat. If acceptable to Council, these costs would be recovered through proposed Contract K-2324-31. The estimated cost for a residential lot will be \$8.39 per month. The proposed contract provides the following:

- 1) The LS OM&R fee (the Lift Station Fee) would be filed of record as a restrictive covenant with the final plat of Destin Landing as well as any other new areas that ultimately obtain sewer service from this lift station.
- 2) The LS Fee will be adjusted annually to account for inflation and may otherwise be adjusted if changes to the LS service area necessitate an adjustment.
- 3) In the event a LS is taken out of service and its wastewater flows by gravity to a wastewater treatment facility site, the LS Fee would be discontinued.
- 4) The LS Fee will be calculated for each dwelling unit as well as a per capita basis to accommodate other zoning classifications such as commercial, institutional, industrial, etc.
- 5) The LS Fee will be collected monthly from each dwelling unit or non-residential entity contributing flow to the LS through the City's Utility billing system.

The calculations for this fee are shown as Exhibit A to the contract while Exhibit B illustrates the area to be served by the Destin Landing LS including the proposed development.

RECOMMENDATION:

Staff recommends approval of Contract K-2324-31 between the Norman Utilities Authority and Farzaneh Development, LLLP, implementing the Destin Landing Lift Station Fee for the Destin Landing development to the City of Norman.

LIFT STATION AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____ 2023, by and between the Norman Utilities Authority (hereinafter referred to as the "Authority") and Farzaneh Development, LLLP (hereinafter referred to as the "Developer").

1. WHEREAS, the Developer applying for the approval of developing and subdividing their property, which would otherwise be served by septic tanks or sewage lagoons maintained privately, and desires that their property be served by a lift station which would pump wastewater into the Authority's wastewater system; and
2. WHEREAS, this alternative, if approved by the Authority would require additional operation, maintenance, and replacement costs which are unique to the particular development being served; and
3. WHEREAS, the Developer of the proposed Destin Landing development requests that the development be provided wastewater service through a new public lift station pumping into the Authority's wastewater system; and
4. WHEREAS, the Developer requests that this alternative be approved as part of the platting process and that an administrative lift station fee be established for each lot within the Destin Landing subdivision to provide for the operation, maintenance, and replacement of said lift station serving said subdivision; and
5. WHEREAS, future developments connecting to the sewer system and served by the lift station will be required to complete a lift station agreement and will be subject to the lift station fee for each lot; and
6. WHEREAS, constructing a new lift station and the servicing of the Destin Landing subdivision by the lift station will be of great advantage to the property owners within the subdivision by reducing their costs for the installation, operation and maintenance of septic systems or privately maintained sewage lagoons.

BE IT THEREFORE AGREED BY AND BETWEEN THE PARTIES HERETO:

1. THAT the parties do establish an operation, maintenance, and replacement monthly lift station fee for a new public lift station constructed for the Destin Landing subdivision for the purpose of pumping wastewater from the development into the City's wastewater system and that said monthly fee be billed to the development served by the lift station by the City of Norman through the utility billing process. Said provisions shall be included in the restrictive covenants covering said development.
2. THAT the procedure for establishing said operation, maintenance, and replacement fee shall be as follows:
 - (a) Prior to Council consideration of the Destin Landing platting, the Utilities Engineer or his authorized representative, shall estimate the annual administrative fee (the Lift Station Fee) necessary to provide for the proper operation, maintenance and replacement

(OM&R) of the proposed Destin Landing lift station, force main and associated appurtenances.

- (b) The Authority shall levy the Lift Station Fee upon the lots within the subdivision and this determination shall be made a condition of Council's plat approval.
- (c) The Lift Station Fee will be adjusted annually to account for inflation based on the rate of change in the United States Department of Labor's Consumer Price Index for All Urban Consumers for the month most recently published, as compared to the same month in the previous year, and may otherwise be adjusted if the Authority determines that changes to the lift station's service area boundaries necessitate said adjustment.
- (d) In the event a new lift station enlarges the service area of the proposed Destin Landing station and replaces said lift station, the Lift Station Fee applicable to all existing final plats may not increase as a result of new calculation. However, the Lift Station Fee applicable to all existing final plats (if any) may decrease to the amount of new Lift Station Fee calculation.
- (e) The Lift Station Fee shall be charged and collected in perpetuity as long as the lift station remains in operation.
- (f) In the event the lift station is taken out of service and its wastewater subsequently flows by gravity to the wastewater treatment facility site, any applicable Lift Station Fee shall be discontinued upon filing of a notice by the Authority.
- (g) The Lift Station Fee shall be made a part of the City of Norman Utility bill for collection monthly and accounted for in the Wastewater Fund.
- (h) The estimated Lift Station Fee has been calculated and is attached hereto as Exhibit "A" and made a part hereof.
- (i) The proposed Destin Landing service area is shown on Exhibit "B" attached hereto and made a part hereof.

IN WITNESS WHEREOF, the Authority and Developer have executed this Agreement.

Norman Utilities Authority
201 West Gray
Norman, OK 73069

ATTEST:

By: _____
Larry Heikkila, Chairperson Secretary

APPROVED as to form and legality this 16th day of October, 2023.

[Signature]
Authority Attorney

Farzaneh Development, LLLP
2252 N Broadway Street
Moore, OK 73160

By: [Signature]
Hossein Farzaneh, Developer of Destin Landing

Subscribed and sworn to before me this 10th day of October, 2023.



[Signature]
Notary Public

My Commission Expires:

9/25/25

EXHIBIT A
Lift Station Operation, Maintenance and Replacement Cost Estimate
Destin Landing

Proposed Lift Station Sewer Service Area including existing and proposed development. Estimated average daily wastewater flow (ADF) in gallons per day (GPD) and peak hourly flow in GPD utilizing generally accepted standards for per capita ADF or other data acceptable to the City of Norman.							
	Destin Landing	Future					
	Residential	Residential					Total
Number of Lots	301	540					
Population Equivalent Per Category	2.5	2.5					
Estimated Population	753	1350					2,103
Per Capita average daily wastewater flow (ADF)	100	100					
Estimated average daily wastewater flow (ADF) in gallons per day	75,300	135,000					210,300
Estimated peak hourly flow in GPD	301,200	540,000	-	-			841,200
Peaking Factor	4.0	4.0					
Drawings showing the location of the proposed lift station, force main and access roadways. Include sufficient data to allow the pump static head to be determined).							
The Engineering Report provided by the developer will include sufficient information to allow the City of Norman to calculate the approximate cost to operate, maintain and replace capital equipment for the life of the proposed lift station. This information shall include the following at a minimum:							
	GPM	TDH	Efficiency	HP			
	700.00	119	60%	85.00	<i>hP per design engineer</i>		
Estimate average annual electrical cost							
1. Pump time (hours per day) = ((ADF in GPD) x 24) / (1440 x (Pump Capacity in GPM))							
	ADF (gpd)	ADF (gpm)	Pumping Capacity (gpm)	Pumping Hours/day			
	210,300	146	700.00	5.01			
2. kilowatt-hours (kWh) = (HP) x 0.746 x (pump time in hours per day) x 365							
	HP	Pumping Hours/Day	Kwh Per Day	Kwh Per Year			
	85.00	5.01	317.50	115,889			
3. Annual Electrical Cost = kWh per year x \$/kWh							
	Kwh Per Year	Cost per Kwh	Cost per Year				
	115,889	0.12	\$13,906.63				
Estimate annual lift station and force main OM&R cost. Provide approximate cost for lift station and appurtenances. Include wetwell, pumps, discharge piping and valves, electrical controls, flow metering, force main quick-connect coupling, valve vault, fittings and valves, fencing, all weather access road, force main, air release valves and vaults, etc. Assume annual replacement cost is 5% of original construction cost for lift station and 2% for force main.							
Annual OM&R Cost = 0.05 x Capital Cost Lift Station + 0.02 x Capital Cost for Force Main							
	Lift Station Cost	8" Force Main Length	Force Main Per Foot	Force Main Cost	Generator Annual Maint.	Total Cost	Annual Cost
	\$1,100,000.00	6,250	\$110.00	\$687,500.00	\$2,000.00	\$1,787,500.00	\$70,750.00
	5%	2%					
Calculate Total Monthly OM&R Cost: Monthly OM&R Cost = (Annual Electrical Cost + Annual OM&R Cost) / 12							
	Electrical Cost	OM&R Cost	Total Annual Cost	Total Monthly Cost			
	\$13,906.63	\$70,750.00	\$84,656.63	\$7,054.72			
Monthly Lift Station Fee							
	\$7,054.72						
	Total Annual Monthly Cost	Monthly Cost per Person	Monthly Cost per Household				
Total Lift Station Fee	\$7,054.72	\$3.35	\$8.39				

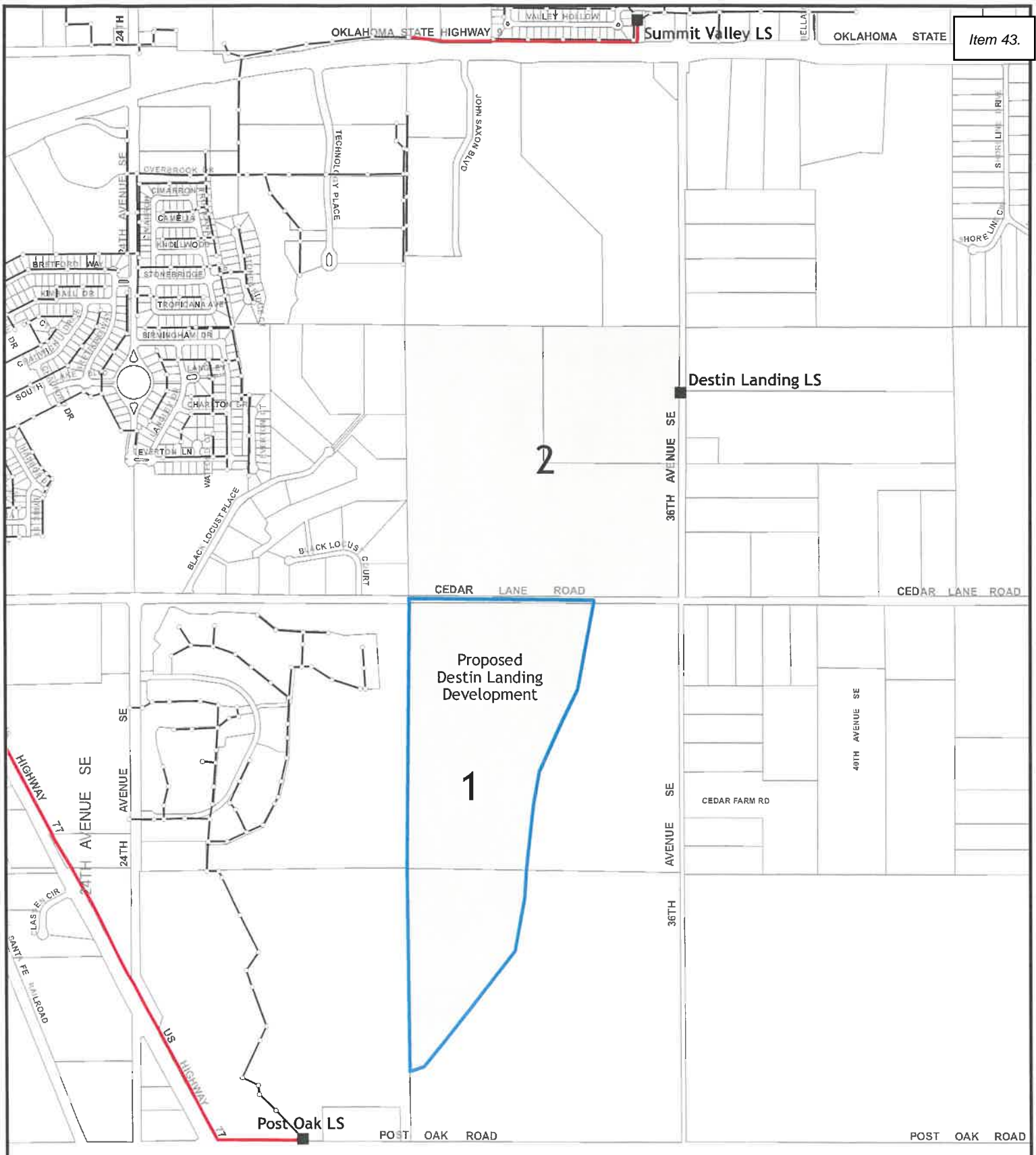
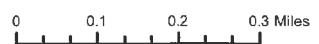


Exhibit B - Destin Landing Lift Station Agreement

Map Produced by the City of Norman Geographic Information System.

The City of Norman assumes no responsibility for errors or omissions in the information presented.



September 8, 2023



- Lift Station
- SS Force Main
- SS Gravity Main
- Subject Tract
- Parcel Boundary
- Destin Landing LS Area

File Attachments for Item:

44. CONSIDERATION OF ADOPTION, APPROVAL, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF RESOLUTION R-2324-89: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA DECLARING THE INTENT TO CONSIDER APPROVAL OF A PROJECT PLAN AND CREATION OF ONE OR MORE TAX INCREMENT DISTRICTS UNDER THE LOCAL DEVELOPMENT ACT; DIRECTING PREPARATION OF A PROJECT PLAN; APPOINTING A REVIEW COMMITTEE; DIRECTING THE REVIEW COMMITTEE TO MAKE FINDINGS AS TO ELIGIBILITY AND FINANCIAL IMPACT, IF ANY, ON TAXING JURISDICTIONS AND BUSINESS ACTIVITIES WITHIN THE DISTRICT; AND DIRECTING THE REVIEW COMMITTEE TO MAKE A RECOMMENDATION WITH RESPECT TO THE PROPOSED PROJECT.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: Team Norman

PRESENTER: Kathryn Walker, City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, APPROVAL, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF RESOLUTION R-2324-89: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA DECLARING THE INTENT TO CONSIDER APPROVAL OF A PROJECT PLAN AND CREATION OF ONE OR MORE TAX INCREMENT DISTRICTS UNDER THE LOCAL DEVELOPMENT ACT; DIRECTING PREPARATION OF A PROJECT PLAN; APPOINTING A REVIEW COMMITTEE; DIRECTING THE REVIEW COMMITTEE TO MAKE FINDINGS AS TO ELIGIBILITY AND FINANCIAL IMPACT, IF ANY, ON TAXING JURISDICTIONS AND BUSINESS ACTIVITIES WITHIN THE DISTRICT; AND DIRECTING THE REVIEW COMMITTEE TO MAKE A RECOMMENDATION WITH RESPECT TO THE PROPOSED PROJECT.

BACKGROUND:

Team Norman was formed a year or so ago to ensure collaboration between a broad and diverse coalition of organizations, including the University of Oklahoma and the City of Norman. On September 6, 2023, Team Norman announced a proposal for the creation of an Entertainment District, anchored by a multi-purpose performance venue, as well as office and residential uses, between Rock Creek Road and Tecumseh Road in the area known as University North Park. Under the proposal, a combination of University and private resources would combine to fund approximately 40% of the total arena construction costs, while the University would only use approximately 25% of the event dates. Team Norman has asked the City to consider funding the remainder of the construction costs as well as some additional infrastructure utilizing tax increment financing.

DISCUSSION:

Tax increment financing (“TIF”) is a tool authorized under the Local Development Act that utilizes the growth in sales and/or ad valorem taxes generated within a specified district to fund public improvements in the designated project area. In order for a TIF District to be created, a Project Plan must first be created meeting all statutory requirements, including providing a list of all proposed improvements, estimated project costs, and proposed uses of the property within the District. The Project Plan is reviewed by a Review Committee (commonly referred to as the “Statutory TIF Committee”) to determine project eligibility, financial impact on taxing jurisdictions

and business activities with district, and ultimately, to make a recommendation to City Council regarding the project. The Project Plan is also reviewed by the Planning Commission for a recommendation to the City Council. Two public hearings are required, with special notice provisions, prior to Council's formal consideration of the Project Plan.

Due to the upcoming holidays and a desire to begin these discussions publically, Staff has been asked to prepare a resolution that would start the process for the consideration of the creation of a new TIF District. Resolution R-2324-89 creates the Statutory Review Committee. By statute, each taxing jurisdiction appoints its own representative, in addition to the Planning Commission and the City Council. At its first meeting, the Chairperson will submit 7 names to the Committee for consideration to fill three additional committee seats. The Committee will begin meeting over the next month or so to review a Project Plan once it is finalized, culminating in a recommendation to Council after the review process and the required public hearings. The City has engaged CoAlign Group to conduct the financial analysis required by the Local Development Act. In addition to the statutorily required review process, the University North Park TIF Oversight Committee has requested a review of the proposal. Once the Project Plan is finalized, Staff will schedule it for review by the TIF Oversight Committee.

RECOMMENDATION:

Staff forwards Resolution R-2324-89 appointing the Statutory Review Committee to review and make recommendations regarding the proposed project to Council for its consideration.

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA DECLARING THE INTENT TO CONSIDER APPROVAL OF A PROJECT PLAN AND CREATION OF ONE OR MORE TAX INCREMENT DISTRICTS UNDER THE LOCAL DEVELOPMENT ACT; DIRECTING PREPARATION OF A PROJECT PLAN; APPOINTING A REVIEW COMMITTEE; DIRECTING THE REVIEW COMMITTEE TO MAKE FINDINGS AS TO ELIGIBILITY AND FINANCIAL IMPACT, IF ANY, ON TAXING JURISDICTIONS AND BUSINESS ACTIVITIES WITHIN THE DISTRICT; AND DIRECTING THE REVIEW COMMITTEE TO MAKE A RECOMMENDATION WITH RESPECT TO THE PROPOSED PROJECT

WHEREAS, the City of Norman (“City”) has endeavored for many years to facilitate the development of the property east of Interstate 35 between Tecumseh Road and Robinson Street, and while a portion of the area has experienced significant investment, the remainder continues to suffer from relative economic stagnation and requires public improvements and investment to reverse that stagnation, to attract major investment in the area, to serve as a catalyst for expanding employment and private investment in the area, to enhance the tax base, and make possible investment, development and economic growth which would otherwise be difficult or impossible (“Project”); and

WHEREAS, the Local Development Act, 62 O.S. § 850, *et seq.* (“Act”), was passed by the Oklahoma Legislature to implement Section 6C of Article X of the Oklahoma Constitution, which empowers the governing bodies of cities, towns, and counties to apportion tax increments to help finance the public costs of economic development; and

WHEREAS, the development of the area depends upon the utilization of tax increment financing to help finance the public costs of the Project; and

WHEREAS, the Norman City Council, as the governing body of the City, is empowered to approve the creation of a tax increment district to further the public purpose of economic development in Norman; and

WHEREAS, the Act provides for the appointment of a Review Committee to review and make a recommendation concerning the proposed district, plan, or project, to consider and make findings and recommendations with respect to the conditions establishing the eligibility of the proposed district, and to consider and determine whether the proposed plan and project will have a financial impact on any taxing jurisdiction within the proposed district and to report its findings and make its recommendations to the governing body; and



R-2324-89

WHEREAS, the Act provides that the membership of the Review Committee shall consist of the following: a representative of the governing body who shall serve as chairperson; a representative of the planning commission having jurisdiction over the proposed district; a representative designated by each taxing jurisdiction within the proposed district whose ad valorem taxes might be impacted by the plan; and three members representing the public at large and selected by the other committee members from a list of seven names submitted by the chairperson of the Review Committee; and

WHEREAS, one of the at large Review Committee representatives is required to be a representative of the City's business community, and, where a proposed project may include retail development, that representative must be either a retailer or a representative of a retail organization; and

WHEREAS, the taxing jurisdictions within the proposed district whose ad valorem taxes might be impacted by establishment of a tax increment district in the relevant area of Norman are Cleveland County, Norman Public Schools, Cleveland County Health Department, Moore Norman Technology Center, and Pioneer Multi-County Library System.

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

Section 1. The Norman City Council intends to consider approval of a project plan and creation of a tax increment district to facilitate the financing of eligible project costs for economic development and hereby directs the preparation of a project plan for the Project to be submitted for consideration in accordance with the Act.

Section 2. A Review Committee is hereby appointed whose membership shall consist of the following: one representative of the Norman City Council, who shall serve chairperson of the Review Committee; one representative of the Norman Planning Commission to be designated by that body; one representative designated by Cleveland County; one representative designated by Norman Public Schools; one representative designated by the Cleveland County Health Department; one representative designated by Moore Norman Technology Center; one representative designated by the Pioneer Multi-County Library System; and three representatives of the public at large, including at least one representative of the City's business community, who will be selected by the other committee members from a list of seven names submitted by the chairperson of the Review Committee. Because the Project may involve potential retail development, the business community representative shall be a retailer or representative of a retail organization.

Section 3. Mayor Larry Heikkila shall serve as the Norman City Council's representative and chairperson of the Review Committee.

R-2324-89

Section 4. The chairperson of the Review Committee shall request that each of the following entities designate a representative to serve on the Review Committee: (a) Cleveland County, (b) Norman Public Schools, (c) Cleveland County Health Department, (d) Moore Norman Technology Center, and (e) Pioneer Multi-County Library System.

Section 5. The chairperson of the Review Committee shall submit a list of seven names of possible persons to represent the public at large on the Review Committee, and the other committee members shall select three persons from this list, who shall represent the public at large on the Review Committee; at least one of the three people selected to represent the public at large shall be a representative of the business community in the City and a retailer or a representative of a retail organization.

Section 6. The Review Committee shall consider and make its findings and recommendations to the Norman City Council with respect to the conditions establishing the eligibility of the proposed district and the appropriateness of approval of the proposed project plan and Project.

Section 7. The Review Committee shall consider and determine whether the proposed project plan and Project will have a financial impact on any taxing jurisdiction and business activities within the proposed increment district and shall report its findings to the Norman City Council.

Section 8. The Norman Planning Commission shall review the proposed project plan and make a recommendation regarding the project plan to the Norman City Council.

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

THE CITY OF NORMAN, OKLAHOMA

(SEAL)

Mayor

ATTEST:

City Clerk

File Attachments for Item:

45. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONMENT OF RESOLUTION R-2324-70: A RESOLUTION OF THE CITY OF THE COUNCIL OF THE CITY OF NORMAN, APPROPRIATING \$900,995 FROM THE GENERAL FUND BALANCE FOR THE EXPANSION OF THE SCHOOL RESOURCE OFFICER PROGRAM.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/2023

REQUESTER: Police Department

PRESENTER: Ricky Jackson, Deputy Chief

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONMENT OF RESOLUTION R-2324-70: A RESOLUTION OF THE CITY OF THE COUNCIL OF THE CITY OF NORMAN, APPROPRIATING \$900,995 FROM THE GENERAL FUND BALANCE FOR THE EXPANSION OF THE SCHOOL RESOURCE OFFICER PROGRAM.

BACKGROUND:

In 2008, voters approved Public Safety Sales Tax (“PSST I”) effective October 1, 2008 through September 30, 2015. PSST I provided for a one-half percent (½ %) sales tax, in part to hire 41 police officers to implement Community Oriented Policing strategies. Additionally, PSST I allowed for the funding of a new Computer Aided Dispatch and Records Management System (CAD/RMS), build 2 fire stations and associated equipment to run those facilities, and hire 30 firefighters to staff the additional fire stations. On April 1, 2014, Norman residents voted to authorize the continuation of the Public Safety Sales Tax (“PSST II”), which permanently retained the 71 public safety personnel from PSST I; providing for the addition of 13 police School Resource Officer positions (to include uniforms, firearms, vehicles and equipment) in partnership with Norman Public Schools; 4 emergency Communication Officers (“Dispatchers”); 2 emergency vehicle Mechanics; and allocate non-recurring resources for “Critical Capital Needs” including a new Emergency Communications (Radio) System; a new Emergency Operations Center (EOC) facility; relocation and reconstruction of a new Fire Station 5 in east Norman; and replace aging fire trucks and associated apparatus. PSST II was approved by the voters, effective October 1, 2015. All SRO’s were to be hired and in place by year two. To date, 9 of the 13 SRO positions have been filled, due to funding delays from the City sales tax and matching funds from the Norman Public Schools.

DISCUSSION:

Adoption of this Resolution will provide funding for the remaining four (4) School Resource Officers and affiliated vehicle and equipment needs, thus completing this portion of the PSST II obligation. These SROs are proposed to be deployed to Norman Public elementary schools.

The below SRO projected cost is based on the average cost of the current SRO officers:

SCHOOL RESOURCE OFFICER (FYE 24 Average)

- Salaries and Benefits (per officer)	\$134,429
- Overtime (per officer)	\$20,929
- Mandatory Training (per officer)	\$743
- Equipment	\$17,508 (one-time expense)
- Annual Tech cost (cellular access, software, etc.)	\$1,400
- Annual Fuel Cost (per vehicle)	\$1,961
- Vehicle Parts and Maintenance (per vehicle)	\$1,021
- Fleet Overhead (per vehicle)	\$1,250
- IT & Communications	\$188

Officer Cost: **\$179,429** (\$161,921 recurring)

SRO VEHICLE (One Time Cost, Estimated 10 year replacement)

Ford Explorer	\$53,000
- Vehicle "Upfitter" Modifications	\$25,000
- Customized Paint	\$1,750
- Customized Graphics	\$575
- Stop Sticks	\$500
- Camera Source	\$270
- Radio (installed)	\$4,500
- Vehicle Parts	\$605
- Tag	\$100

Vehicle Cost: **\$86,300** (each vehicle)

Initial Total Cost: **\$265,729 (x4 = \$1,062,916 first year)**

Total Recurring Cost: **\$161,921 (x4 = \$647,684)**

FYE 24 = 75% of recurring costs + vehicle & equipment = \$900,995

*NOTE: Cost for salaries include total compensation (base pay, merit/step increases, health and life insurance, pension contribution, FICA/Medicare, uniform cleaning, education incentive pay, longevity and workers compensation charges). Costs are the average of the actual cost for the last 3 fiscal years. IT and Communication Overhead includes cost for workers comp, risk management, unemployment, computer, phone, and portable mobile radio support. Norman Public Schools fiscal year 2023-2024 50% projected share is \$766,361 and is not projected to increase for the additional SROs.

RECOMMENDATION:

Staff recommends appropriating \$900,995 in General Fund balance to expand the School Police Resource Officer program to the level mandated in the Public Safety Sales Tax (PSST II) Ordinance.

Appropriation from General Fund Balance (Account 10-29000) – \$900,995

Allocate Funds to the Public Safety Sales Tax Fund:

SRO Salaries (15661313-42001) \$403,287

SRO Overtime (15661313-42110) \$62,787

SRO Training (15661313-44604) \$2,229

Equipment (15661313-45116) \$70,032

Tech Costs (15661313-44226) \$4,200

Fuel (15661313-43801) \$5,883

Fleet Parts & Maintenance (15661313-43802) \$3,063

Fleet Overhead (15661313-44801) \$3,750

IT & Communications (15661313-44824) \$564

Police Cars (15661313-45002) \$345,200

R-2324-70

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
NORMAN, APPROPRIATING \$900,995 FROM THE GENERAL
FUND BALANCE FOR THE EXPANSION OF THE SCHOOL
RESOURCE OFFICER PROGRAM.**

- § 1. WHEREAS, on May 13, 2008, the citizens of Norman approved Ordinance No. O-0708-32, known as the Public Safety Sales Tax (PSST I), which levied a one half of one percent (.5%) sales tax beginning on October 1, 2008 and ending on September 30, 2015, a seven (7) year period, in order to provide funding for staffing of forty-one (41) additional police personnel, and thirty (30) additional fire personnel, vehicles and equipment for such personnel, acquiring, constructing, and equipping two (2) fire stations; and
- § 2. WHEREAS, on April 1, 2014, the citizens of Norman approved the continuation of the PSST II, which permanently retained the 71 public safety personnel from PSST I; and providing for the addition of 13 police School Resource Officer positions, to include uniforms, firearms, vehicles and equipment, in partnership with Norman Public Schools, 4 emergency Communications Officers, 2 emergency vehicle Mechanics, and allocate non-recurring resources for “Critical Capital Needs”, including a new Emergency Communications System, a new Emergency Operations Center facility, relocation and reconstruction of a new Fire Station 5 in east Norman, and replacing aging fire trucks and associated apparatus; and
- § 3. WHEREAS, all School Resource Officers were to be hired and in place by year two; and
- § 4. WHEREAS, due to funding delays from the City sales tax and matching funds from the Norman Public Schools, only 9 of the 13 SRO positions have been filled; and
- § 5. WHEREAS, this funding is needed to complete this portion of the PSST II obligation.

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

- § 6. That the following appropriations be approved for the reason stated above.

<u>Account Name</u> (Gaining Account)	<u>Losing Account</u>	<u>Amount</u>
SRO Salaries (15661313-42001)	General Fund (10-29000)	\$403,287
SRO Overtime (15661313-42110)	General Fund (10-29000)	\$62,787
SRO Training (15661313-44604)	General Fund (10-29000)	\$2,229
Equipment (15661313-45116)	General Fund (10-29000)	\$70,032
Tech Costs (15661313-44226)	General Fund (10-29000)	\$4,200
Fuel (15661313-43801)	General Fund (10-29000)	\$5,883
Fleet Parts & Maintenance (15661313-43802)	General Fund (10-29000)	\$3,063
Fleet Overhead (15661313-44801)	General Fund (10-29000)	\$3,750
IT & Communications (15661313-44824)	General Fund (10-29000)	\$564
Police Cars (15661313-45002)	General Fund (10-29000)	\$345,200

R-2324-70

PASSED AND ADOPTED this ____ day of _____, 2023.

Mayor

ATTEST:

City Clerk

File Attachments for Item:

46. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF AMENDMENT NO. ONE TO RESOLUTION R-2324-52: AN AMENDMENT TO A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA CREATING AN AD HOC STEERING COMMITTEE TO WORK WITH THE CITY OF NORMAN'S CONSULTANTS IN THE CREATION OF THE CITY'S AREA AND INFRASTRUCTURE MASTER PLAN ("AIM NORMAN") TO NAME A REPLACEMENT FOR A STEERING COMMITTEE MEMBER, ACKNOWLEDGING THE ADDITION OF THE PARKS AND RECREATION MASTER PLAN, ADDING TO THE LIST OF PARTNERS, CLARIFYING THE PROCESS OF SELECTION OF SUBCOMMITTEE MEMBERS, AND SETTING FORTH ATTENDANCE REQUIREMENTS FOR STEERING COMMITTEE MEMBERS.

Amend. 1 to R-2324-52

AN AMENDMENT TO A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA CREATING AN AD HOC STEERING COMMITTEE TO WORK WITH THE CITY OF NORMAN'S CONSULTANTS IN THE CREATION OF THE CITY'S AREA AND INFRASTRUCTURE MASTER PLAN ("AIM NORMAN") TO NAME A REPLACEMENT FOR A STEERING COMMITTEE MEMBER, ACKNOWLEDGING THE ADDITION OF THE PARKS AND RECREATION MASTER PLAN, ADDING TO THE LIST OF PARTNERS, CLARIFYING THE PROCESS OF SELECTION OF SUBCOMMITTEE MEMBERS, AND SETTING FORTH ATTENDANCE REQUIREMENTS FOR STEERING COMMITTEE MEMBERS.

- § 1. WHEREAS, the City of Norman's current Comprehensive Plan, the Norman 2025 Land Use and Transportation Plan, was adopted November 16, 2004 by Resolution R-0405-39, as an update to the 2020 Land Use and Transportation Plan, adopted in 1997.
- § 2. WHEREAS, the City has not updated its Comprehensive Plan in 19 years and the City has seen substantial growth since 2004, from 105,336 to 132,290, according to projected population through December 2022 based on permit records. The city has seen 9,820 acres developed since the 2025 Plan was adopted, and during the last 15 years multi-family and student-housing products have increased dramatically.
- § 3. WHEREAS, Norman's growth has spurred the development, update and adoption of multiple related master plans including storm water, water supply, parks, open space and transportation, as well as updates to the City's 2001 Wastewater Master Plan.
- § 4. WHEREAS, the City is now in possession of critical 2020 Census data, a tool not available during previous comprehensive planning efforts, and now acknowledges the passage of time since updates of these many master plans.
- § 5. WHEREAS, the City has declared its commitment to efforts to develop updated master plans, to support a new Comprehensive Land Use Plan, that will provide a unified vision to match the growth of Norman as well as the quality of life that its citizens deserve and expect by selecting RDG Planning & Design, Inc. and its team pursuant to Request for Proposal 2223-29 on July 25, 2023, by Contract K-2324-46, to create the following new and updated plans:
- Comprehensive Plan
 - Housing Market Analysis and Affordability Strategy
 - Comprehensive Transportation Plan Update
 - Stormwater Master Plan Update

Amend. 1 to R-2324-52

- Water Hydraulic Modeling Update
- Wastewater Master Plan
- Parks and Recreation Master Plan

§ 6. WHEREAS, going forward these services will collectively be referred to as the Norman Area and Infrastructure Master Plan (“AIM Norman”).

§ 7. WHEREAS, the City Council adopted Resolution R-2324-52 on August 22, 2023 appointing seventeen residents, representing the various wards in Norman, as well as providing a diverse field of background, knowledge, skill and expertise, to an ad hoc steering committee to work with RDG in the creation of the AIM Norman Plan.

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

§ 8. That, the AIM Norman Ad Hoc Steering Committee (“AIM Norman Steering Committee”) shall be created on an ad hoc basis to provide guidance and input regarding the creation of the AIM Norman Plan.

§ 9. That, the following persons shall be appointed as voting members to the Committee:

Mitch Biesmeyer, Patrick Schrank, Alex Lanphere, Terry Van Winkle, Elizabeth McKinney, Evan Nixon, Derek Rosendahl, Lee Hall, Jayke Flaggert, Shavonne Evans, Lanny Smith, Dan Bergey, Amanda Nairn, Inger Giuffrida, Charles Custer, Jim Adair and Richard McKown.

§ 10. A person from each of the following entities, agencies or groups shall serve as non-voting advisors (“Partners”) to the AIM Norman Steering Committee voting members:

University of Oklahoma
 Cleveland County Commissioners
 Norman Chamber of Commerce
 Visit Norman
 Sooner Mall
 Sooner Centurions
 Moore Norman Technology Center
 Norman Public Schools
 The Oklahoma Academy
 OU Corporate Partnerships and Economic Development
 Hitachi-Vantara
 Absentee Shawnee Tribe
 Norman Economic Development Coalition
 Norman Regional Health System
 Chickasaw Nation Industries, Inc.

Amend. 1 to R-2324-52

§ 11. That Elizabeth McKinney shall serve as Chair of the AIM Norman Steering Committee.

§ 12. That the AIM Norman Steering Committee shall create sub-committees to assist in these tasks, and that a member of the AIM Norman Steering Committee shall serve as a Chair to each of these sub-committees.

(a) That interested sub-committee members shall first submit a Boards and Commissioners Application as provided on the City’s website at <https://www.normanok.gov/your-government/boards-commissions>.

(b) That each sub-committee member shall be vetted by the Steering Committee according to their knowledge, skill, background or expertise in the subject to be addressed in each subcommittee, giving due consideration to representation from the community in general as well as those with specific qualifications.

(c) That all sub-committee members shall be approved by a simple majority vote of the AIM Norman Steering Committee after consideration of the criteria set forth herein.

(d) That said sub-committees shall meet as frequently as necessary to complete their tasks in assistance to the AIM Norman Steering Committee, and shall disband upon the AIM Norman Steering Committee disbanding

§ 13. That said AIM Norman Steering Committee should meet no less than once a month to fulfill its purpose, and shall disband upon completion of the tasks set forth herein.

§ 14. That said AIM Norman Steering Committee members shall not miss more than three (3) meetings, and any member missing more than three (3) meetings may be removed and/or replaced.

PASSED AND ADOPTED this _____ day of _____, 2023.

Mayor

ATTEST:

City Clerk

Amend. 1 to R-2324-52

AN AMENDMENT TO A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA CREATING AN AD HOC STEERING COMMITTEE TO WORK WITH THE CITY OF NORMAN'S CONSULTANTS IN THE CREATION OF THE CITY'S AREA AND INFRASTRUCTURE MASTER PLAN ("AIM NORMAN") TO NAME A REPLACEMENT FOR A STEERING COMMITTEE MEMBER, ACKNOWLEDGING THE ADDITION OF THE PARKS AND RECREATION MASTER PLAN, ADDING TO THE LIST OF PARTNERS, CLARIFYING THE PROCESS OF SELECTION OF SUBCOMMITTEE MEMBERS, AND SETTING FORTH ATTENDANCE REQUIREMENTS FOR STEERING COMMITTEE MEMBERS.

- § 1. WHEREAS, the City of Norman's current Comprehensive Plan, the Norman 2025 Land Use and Transportation Plan, was adopted November 16, 2004 by Resolution R-0405-39, as an update to the 2020 Land Use and Transportation Plan, adopted in 1997.
- § 2. WHEREAS, the City has not updated its Comprehensive Plan in 19 years and the City has seen substantial growth since 2004, from 105,336 to 132,290, according to projected population through December 2022 based on permit records. The city has seen 9,820 acres developed since the 2025 Plan was adopted, and during the last 15 years multi-family and student-housing products have increased dramatically.
- § 3. WHEREAS, Norman's growth has spurred the development, update and adoption of multiple related master plans including storm water, water supply, parks, open space and transportation, as well as updates to the City's 2001 Wastewater Master Plan.
- § 4. WHEREAS, the City is now in possession of critical 2020 Census data, a tool not available during previous comprehensive planning efforts, and now acknowledges the passage of time since updates of these many master plans.
- § 5. WHEREAS, the City has declared its commitment to efforts to develop updated master plans, to support a new Comprehensive Land Use Plan, that will provide a unified vision to match the growth of Norman as well as the quality of life that its citizens deserve and expect by selecting RDG Planning & Design, Inc. and its team pursuant to Request for Proposal 2223-29 on July 25, 2023, by Contract K-2324-46, to create the following new and updated plans:
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 - Stormwater Master Plan Update

Amend. 1 to R-2324-52

- Water Hydraulic Modeling Update
- Wastewater Master Plan
- Parks and Recreation Master Plan

- § 6. WHEREAS, going forward these services will collectively be referred to as the Norman Area and Infrastructure Master Plan (“AIM Norman”).
- § 7. WHEREAS, the City Council adopted Resolution R-2324-52 on August 22, 2023 appointing seventeen residents ~~Mayor (and City Council?) has (have?) identified 17~~ persons, representing the various wards in Norman, as well as providing a diverse field of background, knowledge, skill and expertise, ~~for appointment~~ to an ad hoc steering committee to work with RDG in the creation of the AIM Norman Plan.

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

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- § 10. A person from each of the following entities, agencies or groups shall serve as non-voting advisors (“Partners”) to the AIM Norman Steering Committee voting members:

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 Norman Chamber of Commerce
 Visit Norman
 Sooner Mall
 Sooner Centurions
 Moore Norman Technology Center
 Norman Public Schools
 The Oklahoma Academy
 OU Corporate Partnerships and Economic Development
 Hitachi-Vantara
 Absentee Shawnee Tribe
 Norman Economic Development Coalition
Norman Regional Health System

Amend. 1 to R-2324-52

Chickasaw Nation Industries, Inc.

- § 11. That Elizabeth McKinney shall serve as Chair of the AIM Norman Steering Committee.
- § 12. That the AIM Norman Steering Committee shall create sub-committees to assist in these tasks, and that a member of the AIM Norman Steering Committee shall serve as a Chair to each of these sub-committees.

(a) That interested sub-committee members shall first submit a Boards and Commissioners Application as provided on the City’s website at <https://www.normanok.gov/your-government/boards-commissions>.

(b) That each sub-committee member shall be vetted by the Steering Committee according to their knowledge, skill, background or expertise in the subject to be addressed in each subcommittee, giving due consideration to representation from the community in general as well as those with specific qualifications.

(c) That all sub-committee members shall be approved by a simple majority vote of the AIM Norman Steering Committee after consideration of the criteria set forth herein.

(d) That said sub-committees shall meet as frequently as necessary to complete their tasks in assistance to the AIM Norman Steering Committee, and shall disband upon the AIM Norman Steering Committee disbanding.

- § 13. That said AIM Norman Steering Committee should meet no less than once a month to fulfill its purpose, and shall disband upon completion of the tasks set forth herein.

- § 14. That said AIM Norman Steering Committee members shall not miss more than three (3) meetings, and any member missing more than three (3) meetings may be removed and/or replaced.

PASSED AND ADOPTED this _____ day of _____, 2023.

Mayor

ATTEST:

City Clerk