



CITY OF NORMAN, OK CITY COUNCIL REGULAR MEETING

Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069
Tuesday, August 08, 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 THE CITY COUNCIL, NORMAN UTILITIES AUTHORITY, NORMAN MUNICIPAL AUTHORITY, AND NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF APRIL 11, 2023.

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 2 through Item 28 be placed on the consent docket.

First Reading Ordinance

2. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-2 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 PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION NINE (9), 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 PUD, PLANNED UNIT DEVELOPMENT, AND PLACE SAME IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (West of 48th Avenue N.W. between Franklin Road and Tecumseh Road)
3. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-4 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 PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIX (6), TOWNSHIP EIGHT (8) NORTH, RANGE TWO (2) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE R-1, SINGLE FAMILY DWELLING DISTRICT, AND PLACE SAME IN THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1104 West Lindsey Street)

Reports/Communications

4. SUBMISSION AND ACKNOWLEDGEMENT OF RECEIPT OF OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY CONSTRUCTION PERMIT SL000014230137 FOR SEWER LINE CONSTRUCTION FOR THE LIFT STATION D FORCE MAIN REPLACEMENT PROJECT PHASE 2 (WW0091).

Request for Payment

5. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AND/OR POSTPONEMENT OF RATIFICATION OF THE DECLARATION OF AN EMERGENCY TO REMEDIATE THE FIRE TRAINING FACILITY PROPERTY AT 2207 GODDARD AVENUE BY AND AUTHORIZE PAYMENT TO CAVINS CONSTRUCTION GROUP IN THE AMOUNT OF \$210,081.08 AND BUDGET APPROPRIATION FROM THE RISK MANAGEMENT FUND BALANCE AS OUTLINED IN THE STAFF REPORT.

Easement

6. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF NORMAN RURAL CERTIFICATE OF SURVEY COS-2324-2: FOR NORMAN HILLS SUBSTATION AND EASEMENT E-2324-7 (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF 48TH AVENUE NW AND WEST FRANKLIN ROAD).

Contracts

7. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF AMENDMENT NO. ONE TO CONTRACT K-2223-46: AN AMENDMENT TO THE CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND RJN GROUP, INC., IN THE AMOUNT OF \$169,046 FOR WASTEWATER FLOW MONITORING SERVICES.
8. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT OR POSTPONEMENT OF AMENDMENT 1 TO CONTRACT K-2223-146: A ROAD USE AND MAINTENANCE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF NORMAN AND NEXTERA ENERGY TRANSMISSION SOUTHWEST, LLC TO PROVIDE A FRAMEWORK FOR ROADWAY PROTECTION, REPAIR AND MAINTENANCE BY NEXT ERA RELATING TO ITS MINCO-PLEASANT VALLEY-DRAPER TRANSMISSION LINE PROJECT.
9. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF AMENDMENT ONE TO CONTRACT K-2223-164: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND RIVER NORTH TRANSIT, LLC (VIA TRANSPORTATION, INC.) IN THE AMOUNT OF \$121,130.20, FOR A REVISED NOT-TO-EXCEED AMOUNT OF \$760,543.20 FOR EXPANSION OF THE MICROTRANSIT PILOT PROGRAM; AND BUDGET APPROPRIATION AS OUTLINED IN THE STAFF REPORT.
10. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-17: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND CIMARRON CONSTRUCTION COMPANY, LLC IN THE AMOUNT OF \$2,631,347; PERFORMANCE BOND B-2324-17; STATUTORY BOND B-2324-18; MAINTENANCE BOND MB-2324-7 FOR THE SOUTHLAKE WATERLINE REPLACEMENT PROJECT; AND APPROPRIATION OF WATER FUND BALANCE.
11. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-33: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND GARVER, L.L.C. IN THE AMOUNT OF \$87,850 FOR ENGINEERING SERVICES FOR THE WATER RECLAMATION FACILITY AERATION BASIN TURBO BLOWER REPLACEMENT PROJECT AS OUTLINED IN THE STAFF REPORT.

12. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-44: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND OKLAHOMA GAS & ELECTRIC COMPANY IN THE AMOUNT OF \$407,582.22 FOR RELOCATING OVERHEAD POWER LINES UNDERGROUND ON THE 2019 JENKINS AVENUE WIDENING BOND PROJECT AND BUDGET TRANSFER OF FUNDS AS OUTLINED IN THE STAFF REPORT.
13. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-45: AN AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA AND THE PIONEER LIBRARY SYSTEM FOR LIBRARY SERVICES, FACILITIES AND MAINTENANCE EFFECTIVE JULY 1, 2023 THROUGH JUNE 30, 2024.
14. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF CONTRACT K-2324-47: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CAN DO, L.L.C., IN THE AMOUNT OF \$187,000, MAINTENANCE BOND MB-2324-14, PERFORMANCE BOND B-2324-24; AND STATUTORY BOND B-2324-25 FOR THE SUTTON WILDERNESS PARK TRAIL UPGRADE & PARKING LOT ADDITION PROJECT, AND RESOLUTION R-2324-27 GRANTING TAX-EXEMPT STATUS AND BUDGET APPROPRIATION AS OUTLINED IN THE STAFF REPORT.
15. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-50: AN INTERLOCAL AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE UNIVERSITY OF OKLAHOMA IN THE AMOUNT OF \$121,130.20 FOR INTEGRATING THE UNIVERSITY SAFERIDE PROGRAM INTO THE CITY'S MICROTRANSIT PILOT PROGRAM AS OUTLINED IN THE STAFF REPORT.
16. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-51: BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY AND THE BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA TO PROVIDE SOLID WASTE DISPOSAL SERVICES FOR THE UNIVERSITY OF OKLAHOMA FROM AUGUST 1, 2023 TO JUNE 30, 2026.
17. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-52: AN ENTERPRISE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC., (ESRI) TO PROVIDE SOFTWARE AND SOFTWARE MAINTENANCE AND SUPPORT FOR THE CITY OF NORMAN'S ENTERPRISE GEOGRAPHIC INFORMATION SYSTEM (GIS) IN THE AMOUNT OF \$82,500 PER YEAR FOR A PERIOD OF THREE YEARS.

18. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF: A GRANT THROUGH THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS (ACOG) OF FEDERAL TRANSIT ADMINISTRATION 5303 FUNDING IN THE AMOUNT OF \$50,000 TO BE USED FOR ELIGIBLE TRANSIT PLANNING ACTIVITIES WITHIN THE CENTRAL OKLAHOMA TRANSPORTATION MANAGEMENT AREA (TMA) AS IDENTIFIED IN THE FY2024 UNIFIED PLANNING WORK PROGRAM (UPWP); APPROVAL OF CONTRACT K-2324-53.
19. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-55: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, NORMAN TAX INCREMENT FINANCE AUTHORITY, NORMAN MUNICIPAL AUTHORITY, THE NORMAN UTILITIES AUTHORITY, NORMAN ECONOMIC DEVELOPMENT AUTHORITY AND MUNICIPAL FINANCE SERVICES, INC., TO PROVIDE FINANCIAL ADVISORY SERVICES TO THE CITY OF NORMAN.

Resolutions

20. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-22: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, IS REQUESTING \$588,855.09 IN STP-UZA-SAFETY FUNDS FOR THE INSTALLATION OF A TRAFFIC SIGNAL ON 36TH AVENUE NW AT BART CONNER DRIVE IN NORMAN.
21. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-23: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, REQUESTING \$573,885.09 IN STP-UZA-SAFETY FUNDS FOR THE INSTALLATION OF A TRAFFIC SIGNAL TO BE INSTALLED ON 36TH AVENUE NW AT CASCADE BOULEVARD IN NORMAN.
22. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-28: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA REQUESTING \$366,577.68 IN STBG-UZA-SAFETY FUNDING FOR THE INSTALLATION OF CCTV CAMERA UPGRADES (PHASE 1) AT VARIOUS INTERSECTIONS IN NORMAN.
23. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-29: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA REQUESTING \$7,500,000 IN STBG-UZA FUNDING FOR IMPROVEMENTS TO 36TH AVENUE NW BETWEEN TECUMSEH ROAD AND FRANKLIN ROAD IN NORMAN.
24. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-30: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA REQUESTING \$6,721,436.07 IN STBG-UZA FUNDING FOR IMPROVEMENTS TO THE TECUMSEH ROAD INTERSECTIONS WITH 24TH AVENUE NW AND WITH FLOOD AVENUE IN NORMAN.

25. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-31: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SUBMIT, EXECUTE, AND FILE AN APPLICATION ON BEHALF OF THE CITY OF NORMAN WITH THE US DEPARTMENT OF TRANSPORTATION TO AID IN THE FINANCING OF PLANNING, CAPITAL AND/OR ASSISTANCE PROJECTS PURSUANT TO 49 U.S.C. SECTION 5307 AND SECTION 5339 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SET FORTH AND EXECUTE POLICIES IN CONNECTION WITH THE PROGRAM OF PROJECTS, BUDGETS, AND PROCUREMENT NEEDS.
26. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF RESOLUTION R-2324-36: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN PARKS AND RECREATION DEPARTMENTS ADOPTING THE YOUNG FAMILY ATHLETIC CENTER (YFAC) FACILITIES POLICY MANUAL FOR THE OPERATION OF YFAC BY THE CITY OF NORMAN PARKS AND RECREATION DEPARTMENT.
27. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2223-31 UPON SECOND AND FINAL READING: AN ORDINANCE AMENDING THE CENTER CITY FORM BASED CODE, ADOPTED BY REFERENCE IN CHAPTER 36 ("ZONING") AT SECTION 36-540, OF THE CODE OF THE CITY OF NORMAN, IN ORDER TO REMOVE DUPLICATIVE LANGUAGE, CLARIFY LANGUAGE, AND CORRECT MISTAKES, OMISSIONS OR ERRORS, UPDATE REFERENCES TO THE RECODIFIED MUNICIPAL CODE, REFERENCE UPDATED ENGINEERING DESIGN CRITERIA, TO AMEND THE CERTIFICATE OF COMPLIANCE APPLICATION REQUIREMENTS FOR SITE PLAN REQUIREMENTS, AND TO AMEND TO ADD ADMINISTRATIVE ADJUSTMENT AUTHORITY TO ADDRESS UTILITY AND RELATED INFRASTRUCTURE CONFLICTS; AND PROVIDING FOR THE SEVERABILITY THEREOF. **(POSTPONED UNTIL AUGUST 22, 2023)**
28. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE NO. O-2223-47 UPON SECOND AND FINAL READING: AN ORDINANCE AMENDING THE CENTER CITY FORM BASED CODE, ADOPTED BY REFERENCE IN CHAPTER 36 ("ZONING") AT SECTION 36-540, OF THE CODE OF THE CITY OF NORMAN, TO AMEND THE CENTER CITY REGULATING PLAN MAP TO AMEND THE REQUIRED BUILD LINE ALONG THE NORTH SIDE OF BOYD STREET FROM A POINT STARTING WEST OF MONNETT AVENUE AND CONTINUING TO THE BNSF RAILROAD RIGHT-OF-WAY; AND PROVIDING FOR THE SEVERABILITY THEREOF. **(POSTPONED UNTIL AUGUST 22, 2023)**

NON-CONSENT ITEMS

29. CONDUCTING AND CLOSING A PUBLIC HEARING FOR CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF AN AMENDMENT TO THE ADOPTED FISCAL YEAR 2023-2024 CITY OF NORMAN AND NORMAN UTILITIES AUTHORITY OPERATING BUDGETS; CREATING AN ATHLETIC FACILITY SPECIAL REVENUE FUND; AND APPROPRIATING ANTICIPATED REVENUE.
30. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION NO. R-2324-10: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN SO AS TO REMOVE LOT EIGHT (8), BLOCK ONE (1), OF ADBAR #2 ADDITION, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM SPECIAL PLANNING AREA THREE (SPA-3) DESIGNATION. (1001 N. University Boulevard)
31. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2223-45 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 LOT EIGHT (8), BLOCK ONE (1), OF ADBAR #2 ADDITION, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE I-1, LIGHT INDUSTRIAL DISTRICT, AND PLACE SAME IN THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1001 N. University Boulevard)
32. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-5 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF NORMAN, STATE OF OKLAHOMA (THE "CITY"), ON THE 10th DAY OF OCTOBER, 2023, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF THE ISSUANCE OF THE BONDS OF SAID CITY IN AN AMOUNT NOT TO EXCEED THE SUM OF FIFTY MILLION DOLLARS (\$50,000,000) TO BE ISSUED IN SERIES TO PROVIDE FUNDS FOR THE PURPOSES OF CONSTRUCTING, RECONSTRUCTING, REPAIRING, IMPROVING, AND REHABILITATING BRIDGES IN THE CITY (INCLUDING LIGHTING, SIDEWALKS/BIKEPATHS, LANDSCAPING, RELATED DRAINAGE IMPROVEMENTS, DRIVEWAY RECONSTRUCTION, AND OTHER RELATED IMPROVEMENTS); AND LEVYING AND COLLECTING AN ANNUAL TAX, IN ADDITION TO ALL OTHER TAXES, UPON ALL THE TAXABLE PROPERTY IN SAID CITY FOR THE PAYMENT OF THE INTEREST AND PRINCIPAL ON SAID BONDS; AND DECLARING AN EMERGENCY.

33. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-33: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, GIVING THE SECRETARY OF THE CLEVELAND COUNTY ELECTION BOARD NOTICE OF A SPECIAL ELECTION TO BE HELD ON OCTOBER 10, 2023.

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 THE CITY COUNCIL, NORMAN UTILITIES AUTHORITY, NORMAN MUNICIPAL AUTHORITY, AND NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF APRIL 11, 2023.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 08/08/2023

REQUESTER: Brenda Hall, City Clerk

PRESENTER: Brenda Hall, City Clerk

ITEM TITLE: CONSIDERATION OF THE CITY COUNCIL, NORMAN UTILITIES AUTHORITY, NORMAN MUNICIPAL AUTHORITY, AND NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF APRIL 11, 2023.



CITY COUNCIL REGULAR MEETING

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

Tuesday, April 11, 2023 at 6:30 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 405-366-5424, 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**

CALL TO ORDER

Mayor Heikkila called the Meeting to Order at 6:30 p.m.

ROLL CALL

PRESENT

- Mayor Larry Heikkila
- Councilmember Ward 1 Austin Ball
- Councilmember Ward 2 Lauren Schueler
- Councilmember Ward 4 Helen Grant
- Councilmember Ward 5 Rarchar Tortorello
- Councilmember Ward 6 Elizabeth Foreman
- Councilmember Ward 7 Stephen Holman
- Councilmember Ward 8 Matthew Peacock

PLEDGE OF ALLEGIANCE

Boy Scout Pack 233 led the Pledge of Allegiance.

AWARDS AND PRESENTATIONS

Item 1.

1. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF RESOLUTION R-2223-122: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AWARDING THE INAUGURAL JAMES O. HARP ENVIRONMENTAL RECOGNITION AWARD, IN CONJUNCTION WITH THE NORMAN ENVIRONMENTAL CONTROL ADVISORY BOARD.

Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 2 Schueler.

Voting Yea: Mayor Heikkila, Councilmember Ward 1 Ball, Councilmember Ward 2 Schueler, Councilmember Ward 4 Grant, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Items submitted for the record

1. Staff Report dated April 4, 2023, from Michele Loudenback, Environmental and Sustainability Manager
2. Resolution R-2223-122

Participants in discussion

1. Ms. Michele Loudenback, Environmental and Sustainability Manager
2. Ms. Amanda Nairn, President, Central Oklahoma Master Conservancy District, accepted the resolution and thanked the Council.

Resolution R-2223-122 was Adopted.

* * * * *

PROCLAMATIONS

2. CONSIDERATION OF ACKNOWLEDGMENT, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF PROCLAMATION P-2223-18: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN PROCLAIMING THE WEEK OF APRIL 10 THROUGH 14, 2023, AS NATIONAL COMMUNITY DEVELOPMENT WEEK IN THE CITY OF NORMAN.

Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 6 Foreman.

Voting Yea: Mayor Heikkila, Councilmember Ward 1 Ball, Councilmember Ward 2 Schueler, Councilmember Ward 4 Grant, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Items submitted for the record

1. Staff Report dated April 11, 2023, from Lisa Krieg, CDBG/Grants Manager
2. Proclamation P-2223-18

Participants in discussion

- 1. Ms. Heidi Smith, Chair of the CDBG Policy Committee, accepted the proclamation and thanked the Council

Receipt of Proclamation P-2223-18 was Acknowledged.

* * * * *

- 3. CONSIDERATION OF ACKNOWLEDGMENT, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF PROCLAMATION P-2223-19: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN PROCLAIMING THE MONTH OF APRIL, 2023, AS FAIR HOUSING MONTH IN THE CITY OF NORMAN.

Motion made by Councilmember Ward 6 Foreman, Seconded by Councilmember Ward 7 Holman.

Voting Yea: Mayor Heikkila, Councilmember Ward 1 Ball, Councilmember Ward 2 Schueler, Councilmember Ward 4 Grant, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Items submitted for the record

- 1. Staff Report dated April 11, 2023, from Lisa Krieg, CDBG/Grants Manager
- 2. Proclamation P-2223-19

Participants in discussion

- 1. Metropolitan Fair Housing Council representatives, accepted the proclamation and thanked Council

Receipt of Proclamation P-2223-18 was Acknowledged.

* * * * *

COUNCIL ANNOUNCEMENTS

Francis Cate Park: Councilmember Ball showed several pictures of the park and expressed concerns about homeless people having been in the area creating a littering issue.

*

Affordable Housing: Councilmember Schueler mentioned that homelessness is being addressed by our neighbors to the north.

*

Active Shooter Response: Councilmember Schueler wanted to give praise to all of the agencies involved in responding appropriately, and quickly to threat at the University of Oklahoma, which turned out to be a hoax.

Council Announcements, continued:

Councilmember Foreman gave thanks to all of the Emergency Responders to the University of Oklahoma during the active shooter call.

Mayor Heikkila gave thanks to all of the agencies involved in the active shooter response at the University of Oklahoma.

*

Art Walk: Councilmember Grant urged citizens to support the Art Walk on April 14, 2023.

*

Neighborhood Cleanup: Councilmember Grant reminded residents about the Original Townsite cleanup efforts on April 22, 2023 and one in the Courthouse Neighborhood on May 1, 2023.

*

Storm Debris: Councilmember Tortorello stated that the debris has been picked up in Ward 5.

*

ACCESS Oklahoma: Councilmember Tortorello said the turnpike expansion has been stopped until further notice.

*

Boy Scout Pack: Councilmember Foreman thanked Pack 233 for leading the Council in the Pledge of Allegiance.

*

Annual Trash Pick-Up Event: Councilmember Foreman reminded residents about the big trash pick-up on April 22, 2023.

*

Public Safety Awards Banquet: Councilmember Holman mentioned the Public Safety Awards Banquet at Hitachi.

*

Four-Way Stop: Councilmember Peacock thanked Shawn O'Leary, Director of Public Works, and City staff for the four-way stop at 36th Avenue N.W. and Franklin Road.

* * * * *

CONSENT DOCKET

Item 1.

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 4 through Item 17 be placed on the consent docket.

Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 8 Peacock.

Voting Yea: Mayor Heikkila, Councilmember Ward 1 Ball, Councilmember Ward 2 Schueler, Councilmember Ward 4 Grant, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Items 4 through 17 were placed on the Consent Docket

* * * * *

Reports/Communications

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

Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 8 Peacock.

Voting Yea: Mayor Heikkila, Councilmember Ward 1 Ball, Councilmember Ward 2 Schueler, Councilmember Ward 4 Grant, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Items submitted for the record

- 1. Staff Report dated April 11, 2023, from Brenda Hall, City Clerk
- 2. Staff Memo dated March 22, 2023, from Chris Mattingly, P.E., Director of Utilities
- 3. Change Order No. Three to Contract K-2122-92

Receipt of the City Manager's Contract and Change Order Report was Acknowledged.

* * * * *

- 5. CONSIDERATION OF ACKNOWLEDGEMENT, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RECEIPT OF THE NORMAN FORWARD FINANCIAL OVERSIGHT BOARD ANNUAL REPORT FROM JANUARY 1, 2022, THROUGH MARCH 31, 2023.

Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 8 Peacock.

Voting Yea: Mayor Heikkila, Councilmember Ward 1 Ball, Councilmember Ward 2 Schueler, Councilmember Ward 4 Grant, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Items submitted for the record

- 1. Staff Report dated April 11, 2023, from Anthony Francisco, Director of Finance
- 2. The City of Norman/Norman Municipal Authority NORMAN FORWARD Citizen Financial Oversight Board Annual Report for the Period January 1, 2022, through March 31, 2023

Participants in discussion

- 1. Ms. Cynthia Rogers, Vice Chairman of the NORMAN FORWARD Financial Oversight Board

Receipt of the Norman Forward Financial Oversight Board Annual Report was Acknowledged.

* * * * *

Bids

- 6. CONSIDERATION OF AWARDING, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BID-2223-48: SUBMITTED BY BOB CUNNINGHAM, INC., FOR THE PURCHASE OF SCREENED TOPSOIL IN THE AMOUNT OF \$35.00 PER CUBIC YARD FOR THE LINE MAINTENANCE DIVISION

Acting as the Norman Utilities Authority

Motion made by Trustee Ward 7 Holman, Seconded by Trustee Ward 8 Peacock.

Voting Yea: Chairman Heikkila, Trustee Ward 1 Ball, Trustee Ward 2 Schueler, Trustee Ward 4 Grant, Trustee Ward 5 Tortorello, Trustee Ward 6 Foreman, Trustee Ward 7 Holman, Trustee Ward 8 Peacock

Items submitted for the record

- 1. Staff Report dated April 11, 2023, from Scott Aynes, Line Maintenance Manager
- 2. Tabulation of Bids dated February 23, 2023, for Topsoil

Bid 2223-48 for Screen Topsoil was awarded to the Lowest and Best Bidder Meeting Specifications.

* * * * *

Ratification of Declaration of an Emergency

Item 1.

- 7. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AND/OR POSTPONEMENT OF RATIFICATION OF DECLARATION OF AN EMERGENCY REPAIRS COMPLETED AT THE NORMAN POLICE FIRING RANGE AT 4328 SOUTH JENKINS AVENUE, WHICH WAS DAMAGED BY THE TORNADO ON FEBRUARY 27, 2023, AND BUDGET APPROPRIATION AS OUTLINED IN THE STAFF REPORT.

Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 8 Peacock.

Voting Yea: Mayor Heikkila, Councilmember Ward 1 Ball, Councilmember Ward 2 Schueler, Councilmember Ward 4 Grant, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Items submitted for the record

- 1. Staff Report dated April 11, 2023, from Wade Thompson, Parks and Facilities Manager
- 2. Invoice dated March 21, 2023 from Cavins Construction and Environmental Group

The Declaration of an Emergency was Ratified.

* * * * *

Contracts

- 8. AMENDMENT TWO TO CONTRACT K-1819-99: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, THE NORMAN MUNICIPAL AUTHORITY, AND THE MCKINNEY PARTNERSHIP ARCHITECTS INCREASING THE CONTRACT IN AN AMOUNT NOT-TO-EXCEED \$187,500 FOR A REVISED CONTRACT AMOUNT OF \$1,688,242 FOR THE SECOND PHASE OF DESIGN SERVICES RELATED TO THE NORMAN MUNICIPAL COMPLEX RENOVATION PROJECT FOR BUILDING C, HUMAN RESOURCES AND INFORMATION TECHNOLOGY.

Acting as the City Council and the Norman Municipal Authority

Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 8 Peacock.

Voting Yea: Mayor Heikkila, Councilmember Ward 1 Ball, Councilmember Ward 2 Schueler, Councilmember Ward 4 Grant, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Items submitted for the record

- 1. Staff Report dated April 11, 2023, from Brenda Hall, City Clerk
- 2. Amendment No. Two to Contract K-1819-99

Amendment No. Two to Contract K-1819-99 was Approved.

* * * * *

- 9. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF CHANGE ORDER NO. ONE TO CONTRACT K-2122-86: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND MATTHEWS TRENCHING COMPANY, INC., INCREASING THE CONTRACT AMOUNT BY \$22,811 FOR A REVISED CONTRACT AMOUNT OF \$822,441 AND ADDING 139 CALENDAR DAYS TO THE CONTRACT FOR THE 36TH AVENUE N.W. WATER LINE PROJECT, PHASE 2, FINAL ACCEPTANCE OF THE PROJECT, AND FINAL PAYMENT IN THE AMOUNT OF \$78,386.75.

Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 8 Peacock.

Voting Yea: Mayor Heikkila, Councilmember Ward 1 Ball, Councilmember Ward 2 Schueler, Councilmember Ward 4 Grant, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Items submitted for the record

- 1. Staff Report dated April 11, 2023, from Paul D'Andrea, Capital Projects Engineer
- 2. Change Order No. One to Contract K-2122-86
- 3. Application and Certification for Payment

Change Order No. One to Contract K-2122-86 was Approved.

* * * * *

- 10. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE FINAL ACCEPTANCE OF CONTRACT K-2122-97: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND HAPPY PLAYGROUNDS, L.L.C., FOR THE CHERRY CREEK PARK PLAYGROUND PROJECT AND FINAL PAYMENT IN THE AMOUNT OF \$11,900.

Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 8 Peacock.

Voting Yea: Mayor Heikkila, Councilmember Ward 1 Ball, Councilmember Ward 2 Schueler, Councilmember Ward 4 Grant, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Items submitted for the record

- 1. Staff Report dated April 11, 2023, from Bethany Grissom, Park Planner
- 2. Application and Certification for Payment

Final Acceptance and Final Payment of Contract K-2122-97 was Approved.

* * * * *

11. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF CHANGE ORDER NO. TWO TO CONTRACT K-2223-8: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CIMARRON CONSTRUCTION COMPANY DECREASING THE CONTRACT BY \$114,271.75 FOR A REVISED CONTRACT AMOUNT OF \$394,332.25 FOR THE FYE 2023 BRIDGE MAINTENANCE PROGRAM, FINAL ACCEPTANCE OF THE PROJECT, AND FINAL PAYMENT IN THE AMOUNT OF \$19,716.61.

Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 8 Peacock.

Voting Yea: Mayor Heikkila, Councilmember Ward 1 Ball, Councilmember Ward 2 Schueler, Councilmember Ward 4 Grant, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Items submitted for the record

- 1. Staff Report dated April 11, 2023, from Joseph Hill, Streets Program Manager
- 2. Change Order No. Two for Contract K-2223-8

Change Order No. Two, Final Acceptance and Final Payment for Contract K-2223-8 was Approved.

* * * * *

12. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CHANGE ORDER NO. ONE TO CONTRACT K-2223-72: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND STRONGHOLD CONSTRUCTION, LLC, INCREASING THE CONTRACT AMOUNT BY \$52,980.13, FOR A REVISED CONTRACT AMOUNT OF \$928,314.13 FOR COSTS ASSOCIATED WITH ASBESTOS REMEDIATION; AND APPROPRIATION OF CAPITAL FUND BALANCE.

Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 8 Peacock.

Voting Yea: Mayor Heikkila, Councilmember Ward 1 Ball, Councilmember Ward 2 Schueler, Councilmember Ward 4 Grant, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Items submitted for the record

- 1. Staff Report dated April 11, 2023, from Taylor Johnson, Transit and Parking Program Manager
- 2. Change Order No. One to Contract K-2223-72

Change Order No. One to Contract K-2223-72 was Approved.

* * * * *

13. CONSIDERATION OF APPROVAL, ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF CONTRACT K-2223-136: A PROJECT MAINTENANCE, FINANCING, AND RIGHT-OF-WAY AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR PROJECT J3-7939(004) AG, STATE JOB 37939(04), TO PROVIDE AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION ALONG LINDSEY STREET FROM 12TH AVENUE S.E. TO 24TH AVENUE S.E. AND RESOLUTION R-2223-118.

Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 8 Peacock.

Voting Yea: Mayor Heikkila, Councilmember Ward 1 Ball, Councilmember Ward 2 Schueler, Councilmember Ward 4 Grant, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Items submitted for the record

- 1. Staff Report dated April 11, 2023, from Katherine Coffin, Administrative Technician III
- 2. Contract K-2223-136
- 3. Resolution R-2223-118

Contract K-2223-136 was Approved and Resolution R-2223-118 was Adopted.

* * * * *

14. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2223-142: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, THE NORMAN MUNICIPAL AUTHORITY, AND IMAGENET CONSULTING IN THE AMOUNT OF \$701,169.23 TO PROVIDE AN AUDIOVISUAL (A/V) SYSTEM FOR THE NORMAN FORWARD YOUNG FAMILY ATHLETIC CENTER PROJECT.

Acting as the City Council and the Norman Municipal Authority

Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 8 Peacock.

Voting Yea: Mayor Heikkila, Councilmember Ward 1 Ball, Councilmember Ward 2 Schueler, Councilmember Ward 4 Grant, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Items submitted for the record

- 1. Staff Report dated April 11, 2023, from Jason Olsen, Director of Parks and Recreation
- 2. Project Proposal from ImageNet Consulting
- 3. Contract K-2223-142

Contract K-2223-142 was Approved.

15. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2223-114: A RESOLUTION OF THE NORMAN UTILITIES AUTHORITY APPROPRIATING \$65,000 FROM THE WATER FUND BALANCE TO BE USED FOR WATER LINE REPAIRS AND RESTORATIONS.

Acting as the Norman Utilities Authority

Motion made by Trustee Ward 7 Holman, Seconded by Trustee Ward 8 Peacock.

Voting Yea: Chairman Heikkila, Trustee Ward 1 Ball, Trustee Ward 2 Schueler, Trustee Ward 4 Grant, Trustee Ward 5 Tortorello, Trustee Ward 6 Foreman, Trustee Ward 7 Holman, Trustee Ward 8 Peacock

Items submitted for the record

- 1. Staff Report dated April 11, 2023, from Scott Aynes, Line Maintenance Manager
- 2. Resolution R-2223-114

Resolution R-2223-114 was Adopted.

* * * * *

16. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2223-116: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SUBMIT A GRANT APPLICATION TO THE UNITED STATES DEPARTMENT OF TRANSPORTATION'S FYE 2022 GRANTS FOR BUSES AND BUS FACILITIES PROGRAM (5339(B)) FOR SIX (6) NEW CUTAWAY TRANSIT BUSES FOR THE PARATRANSIT FLEET; EXPRESSING ITS COMMITMENT TO SEEK FUNDING FOR THE LOCAL MATCH (\$258,905) IF SUCH GRANT IS AWARDED AND PROJECT APPROVED.

Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 8 Peacock.

Voting Yea: Mayor Heikkila, Councilmember Ward 1 Ball, Councilmember Ward 2 Schueler, Councilmember Ward 4 Grant, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Items submitted for the record

- 1. Staff Report dated April 11, 2023, from Taylor Johnson, Transit and Parking Program Manager
- 2. Resolution R-2223-116

Resolution R-2223-116 was Adopted.

* * * * *

17. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2223-117: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SUBMIT A GRANT APPLICATION TO THE U.S. DEPARTMENT OF TRANSPORTATION'S FYE 2023 LOW OR NO-EMISSION VEHICLE PROGRAM GRANT PROGRAM (5339(C)) FOR SIX (6) NEW CUTAWAY TRANSIT BUSES FOR THE PARATRANSIT FLEET; EXPRESSING ITS COMMITMENT TO SEEK FUNDING FOR THE LOCAL MATCH (\$258,905) IF SUCH GRANT IS AWARDED AND PROJECT APPROVED.

Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 8 Peacock.

Voting Yea: Mayor Heikkila, Councilmember Ward 1 Ball, Councilmember Ward 2 Schueler, Councilmember Ward 4 Grant, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Items submitted for the record

- 1. Staff Report dated April 11, 2023 from Taylor Johnson, Transit and Parking Program Manager
- 2. Resolution R-2223-117

Resolution R-2223-117 was Adopted.

* * * * *

NON-CONSENT ITEMS

18. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2223-27 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN, TO BE RENUMBERED AS SECTION 36-201 EFFECTIVE MARCH 30, 2023, SO AS TO REMOVE PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION THREE (3), TOWNSHIP NINE (9) NORTH, RANGE TWO (2) 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. (5201 24TH AVENUE N.E.)

Motion made by Councilmember Ward 6 Foreman, Seconded by Councilmember Ward 5 Tortorello.

Voting Yea: Mayor Heikkila, Councilmember Ward 1 Ball, Councilmember Ward 2 Schueler, Councilmember Ward 4 Grant, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Items submitted for the record

1. Staff Report dated April 11, 2023, from Jane Hudson, Director of Planning and Community Development
2. Ordinance O-2223-27
3. SunHive Narrative
4. Site Development Plan, Open Space
5. Location Map
6. Updated Site Development Plan, Open Space
7. Planning Commission Staff Report dates March 9, 2023
8. Planning Excerpts from Planning Commission minutes of March 9, 2023

Participants in discussion

1. Hussein Torbati, Applicant

Ordinance O-2223-27 was Adopted Upon Second Reading Section by Section.

Motion made by Councilmember Ward 6 Foreman, Seconded by Councilmember Ward 5 Tortorello.

Voting Yea: Mayor Heikkila, Councilmember Ward 1 Ball, Councilmember Ward 2 Schueler, Councilmember Ward 4 Grant, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Ordinance O-2223-27 was Adopted Upon Final Reading as a Whole.

* * * * *

19. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2223-36 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING SECTION 21-113 OF THE CODE OF THE CITY OF NORMAN, TO BE RENUMBERED AS SECTION 34-214 EFFECTIVE MARCH 30, 2023, CONTINGENT ON VOTER APPROVAL OF ORDINANCE O-2223-37, INCREASING THE MONTHLY BASE FEE FOR RESIDENTIAL METERED USERS TO TEN DOLLARS AND NINETY CENTS (\$10.90); INCREASING THE MONTHLY WATER RATES FOR RESIDENTIAL METERED USERS TO THREE DOLLARS AND FORTY-SIX CENTS (\$3.46) PER 1,000 GALLONS FOR THE FIRST 5,000 GALLONS OF WATER USED, FOUR DOLLARS AND FIFTY CENTS (\$4.50) PER 1,000 GALLONS FOR 5,001 TO 15,000 GALLONS USED, SIX DOLLARS AND SEVENTY-FIVE CENTS (\$6.75) PER 1,000 GALLONS FOR 15,001 TO 20,000 GALLONS USED, AND NINE DOLLARS AND FIFTY-ONE CENTS (\$9.51) PER 1,000 GALLONS FOR WATER USED IN EXCESS OF 20,000 GALLONS; INCREASING THE MONTHLY BASE FEE FOR NON-RESIDENTIAL METERED USERS TO TEN DOLLARS AND NINETY CENTS (\$10.90); INCREASING THE MONTHLY WATER RATES FOR NON-RESIDENTIAL METERED USERS TO FOUR DOLLARS AND SIXTY-NINE CENTS (\$4.69) PER 1,000 GALLONS OF WATER USED UP TO SUCH CUSTOMER'S AVERAGE WINTER CONSUMPTION AS DEFINED HEREIN, AND SEVEN DOLLARS AND FOUR CENTS (\$7.04) PER 1,000 GALLONS OF WATER USED IN EXCESS OF SUCH CUSTOMER'S AVERAGE WINTER CONSUMPTION; PROVIDING AN EFFECTIVE DATE FOR SAID INCREASE SUBJECT TO VOTER APPROVAL; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Motion made by Councilmember Ward 2 Schueler, Seconded by Councilmember Ward 6 Foreman.

Voting Yea: Mayor Heikkila, Councilmember Ward 1 Ball, Councilmember Ward 2 Schueler, Councilmember Ward 4 Grant, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Items submitted for the record

1. Staff Report dated April 11, 2023, from Chris Mattingly, Director of Utilities
2. Ordinance O-2223-36

Participants in discussion

1. Chris Mattingly, P.E., Director of Utilities
2. Nathan Madenwald, P.E., Utilities Engineer
3. Evan Dunn, asked questions

Ordinance O-2223-36 was Adopted Upon Second Reading Section by Section.

Motion made by Councilmember Ward 6 Foreman, Seconded by Councilmember Ward 8 Peacock.

Voting Yea: Mayor Heikkila, Councilmember Ward 1 Ball, Councilmember Ward 2 Schueler, Councilmember Ward 4 Grant, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Ordinance O-2223-36 was Adopted Upon Final Reading as a Whole.

* * * * *

20. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2223-37 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF NORMAN, COUNTY OF CLEVELAND, STATE OF OKLAHOMA, ON THE 13TH DAY OF JUNE, 2023, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED VOTERS OF THE CITY OF NORMAN THE QUESTION OF APPROVING OR REJECTING ORDINANCE NO. O-2223-36, WHICH ORDINANCE AMENDS SECTION 21-113 OF THE CODE OF THE CITY OF NORMAN, TO BE RENUMBERED AS SECTION 34-214 EFFECTIVE MARCH 30, 2023, CONTINGENT ON VOTER APPROVAL OF ORDINANCE O-2223-37, INCREASING THE MONTHLY BASE FEE FOR RESIDENTIAL METERED USERS TO TEN DOLLARS AND NINETY CENTS (\$10.90); INCREASING THE MONTHLY WATER RATES FOR RESIDENTIAL METERED USERS TO THREE DOLLARS AND FORTY-SIX CENTS (\$3.46) PER 1,000 GALLONS FOR THE FIRST 5,000 GALLONS OF WATER USED, FOUR DOLLARS AND FIFTY CENTS (\$4.50) PER 1,000 GALLONS FOR 5,001 TO 15,000 GALLONS USED, SIX DOLLARS AND SEVENTY-FIVE CENTS (\$6.75) PER 1,000 GALLONS FOR 15,001 TO 20,000 GALLONS USED, AND NINE DOLLARS AND FIFTY-ONE CENTS (\$9.51) PER 1,000 GALLONS FOR WATER USED IN EXCESS OF 20,000 GALLONS; INCREASING THE MONTHLY BASE FEE FOR NON-RESIDENTIAL METERED USERS TO TEN DOLLARS AND NINETY CENTS (\$10.90); INCREASING THE MONTHLY WATER RATES FOR NON-RESIDENTIAL METERED USERS TO FOUR DOLLARS AND SIXTY-NINE CENTS (\$4.69) PER 1,000 GALLONS OF WATER USED UP TO SUCH CUSTOMER'S AVERAGE WINTER CONSUMPTION AS DEFINED HEREIN, AND SEVEN DOLLARS AND FOUR CENTS (\$7.04) PER 1,000 GALLONS OF WATER USED IN EXCESS OF SUCH CUSTOMER'S AVERAGE WINTER CONSUMPTION; PROVIDING AN EFFECTIVE DATE FOR SAID INCREASE SUBJECT TO VOTER APPROVAL; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Item 1.

Motion made by Councilmember Ward 6 Foreman, Seconded by Councilmember Ward 7 Holman.

Voting Yea: Mayor Heikkila, Councilmember Ward 1 Ball, Councilmember Ward 2 Schueler, Councilmember Ward 4 Grant, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Items submitted for the record

1. Staff Report dated April 11, 2023, from Chris Mattingly, Director of Utilities
2. Ordinance O-2223-37
3. Proclamation and Notice of Election

Ordinance O-2223-37 was Adopted Upon Second Reading Section by Section

Motion made by Councilmember Ward 6 Foreman, Seconded by Councilmember Ward 8 Peacock.

Voting Yea: Mayor Heikkila, Councilmember Ward 1 Ball, Councilmember Ward 2 Schueler, Councilmember Ward 4 Grant, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Ordinance O-2223-37 was Adopted Upon Final Reading as a Whole.

* * * * *

- 21. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2223-121: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, GIVING THE SECRETARY OF THE CLEVELAND COUNTY ELECTION BOARD NOTICE OF A SPECIAL ELECTION TO BE HELD ON JUNE 13, 2023.

Motion made by Councilmember Ward 6 Foreman, Seconded by Councilmember Ward 7 Holman.

Voting Yea: Mayor Heikkila, Councilmember Ward 1 Ball, Councilmember Ward 2 Schueler, Councilmember Ward 4 Grant, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Items submitted for the record

- 1. Staff Report dated April 11, 2023, from Brenda Hall, City Clerk
- 2. Resolution R-2223-121

Resolution R-2223-121 was Adopted.

* * * * *

MISCELLANEOUS COMMENTS

Transit Center Hub. Ms. Susan McNeil, Ward 4, concerned about the Transit Center Hub on Porter.

*

Water Rate Increase. Ms. Susan Smith, Ward 1, supportive of the increase.

Cynthia Rogers, Ward 4, supportive of the water rate increase.

*

Emergency Response. Cynthia Rogers, Ward 4, made comments about a shooting of a jogger that happened on campus in 2022 and the death of Shannon Hanchett.

*

Gardening. Mr. Evan Dunn, Ward 7, complimented the Compost Facility Staff.

*

Electronic Recycling. Mr. Evan Dunn, Ward 7, said he would like to see an electronic center where people could tear apart electronics and learn how they work.

ADJOURNMENT

The Meeting adjourned at 8:24 p.m.

ATTEST:

City Clerk

Mayor

File Attachments for Item:

2. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-2 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 PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION NINE (9), 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 PUD, PLANNED UNIT DEVELOPMENT, AND PLACE SAME IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (West of 48th Avenue N.W. between Franklin Road and Tecumseh Road)



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 08/08/2023

REQUESTER: West Franklin Holding Co., L.L.C.

PRESENTER: Jane Hudson, Director of Planning and Community Development

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-2 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 PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION NINE (9), 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 PUD, PLANNED UNIT DEVELOPMENT, AND PLACE SAME IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (West of 48th Avenue N.W. between Franklin Road and Tecumseh Road)

PROJECT OVERVIEW: This proposal is a continuation of Red Sky Ranch Section 1, approved by the City of Norman via Ordinance No. O-2021-47. The applicant intends to rezone from the existing single-family PUD, Planned Unit Development (O-2021-47) and A-2, Rural Agricultural District, to a PUD, Planned Unit Development, to develop 10 single-family residential lots and allow the continued use of the existing athletic facility until such time of redevelopment.

The subject property is 26.23 acres of land located on the west side of 48th Avenue NW, situated between Franklin Road and Tecumseh Road. As seen on the attached site plan, the property fronts 48th Avenue NW.

PROCEDURAL REQUIREMENTS:

GREENBELT MEETING: GBC23-13 June 20, 2023

Greenbelt forwards this item with no additional comments.

PRE-DEVELOPMENT MEETING: PD 23-22 May 25, 2023

After a discussion with the applicant, the neighbors understood the project and its scope but still had concerns about sanitation, water wells, and flooding. They are worried about the extra runoff that the new houses will produce. The applicant explained how the engineering team calculated the runoff to provide the necessary measures to prevent the area from flooding. However, this remains a primary

concern because the site is already dealing with flooding issues, and previous experiences make the neighbors skeptical about preventive measures.

BOARD OF PARKS COMMISSIONERS: Due to one dwelling unit per 1.45 +/- acres, this item is not required to appear before the Board of Parks Commissioners.

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: This PUD, Planned Unit Development, will allow the development of single-family residential and compatible uses, as well as an allowance for the existing athletic complex until the final phase of development. The Narrative also allows for accessory dwelling units. A complete list of the allowable uses is attached as Exhibit D in the PUD narrative.

OPEN SPACE/PARKLAND: A minimum of 25% of the Property shall be used as open green space. Each individual residential lot shall have a maximum of 65% impervious area.

SITE PLAN/ACCESS: Access to the Property shall be permitted in the manner depicted on the attached Preliminary Site Development Plan attached in PUD Narrative. Sidewalks are not required along Red Sky Ranch Drive.

AREA REGULATIONS: The applicant is requesting the following area regulations for the development:

The residential lots within the Property shall comply with the following regulations:

Setbacks:

- **Front Yard:** The minimum front yard setback shall be 25 feet.
- **Side Yard:** The minimum side yard shall be 10 feet. Unattached one-story buildings of accessory use shall be located at least ten feet from the side property line, or fifteen (15) feet if more than one-story, provided such structures are located within the rear half of the buildable area outside of any flood zone or detention area.
- **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 feet if more than one story, provided such structures are located within the rear half of the buildable area. Notwithstanding the foregoing, no portion of the dwelling may be located within the floodplain.

All lots:

- **Intensity & Lot Size:** There shall be a minimum lot width of one hundred and five feet at the front building line of each platted lot. Each platted lot shall be a minimum of 1.45 acres. No more than one principal dwelling unit shall be constructed on any one platted lot. Separate accessory dwelling units (ADUs) will be allowed to have living accommodations, including full kitchens. Each residential lot owner may add additional accessory buildings, including pool houses, barns, sheds, and other buildings as long as they do not include full kitchens. The locations of accessory buildings are subject to modification during final development of each residential lot.

SANITATION/UTILITIES: The development will be served by Private Water Wells and Private Sanitary Sewer Systems.

PHASING: The applicant requests the existing athletic complex remain operational until the final phase of development of the Property. The initial phase of development is anticipated to be the platting of Lot 1. Next will be a partial extension of Red Sky Ranch Drive for the platting of Lot 2. Phase 3 will be the construction of the north south leg of Red Sky Ranch Drive for the platting of Lots 5, 6, 7, 8, 9, & 10. The final phase is anticipated to be the platting of Lots 3 & 4 with the removal

of the athletic complex, as shown on the Site Development Plan. The timing of development phases will be determined by market demand and absorption rates.

EXISTING ZONING: The current zoning of the subject property is PUD, Planned Unit Development and A-2, Rural Agricultural District. The 2004 adoption of the NORMAN 2025 followed the previously adopted floodplain maps and included this property in the Ten Mile Flat area; however, in 2021 the FEMA floodplain maps were updated removing the floodplain designation from the greater majority of this property making it more suitable for development. Due to the removal from the floodplain designation and the requested PUD, the 20-acre minimum no longer applies to this property.

Current Comprehensive Plan Designation – NORMAN 2025: This project is located in the Suburban Residential Growth Boundary Designation. Within the Suburban Residential Growth boundary, the area is recognized as suitable for development from an environmental standpoint, but not planned for sanitary sewer service.

The Plan recommends but does not require development at suburban densities, one unit per two acres. This proposal is scheduled for one unit per 1.45 acres with the possibility of a single ADU to allow for aging in place. Development will generally require individual water wells and sewage treatment systems, which this proposal included.

ALTERNATIVES/ISSUES:

IMPACTS: This development will have access off Red Sky Ranch Drive only. There will be no access from 48th Ave. N.W. The single-family development may represent a minimal impact on the traffic volume of the area. Red Sky Ranch Section 2 will be located east of the FEMA floodplain.

OTHER AGENCY COMMENTS:

FIRE DEPARTMENT: If additional Phases are planned to exceed 30 dwelling units, a plan to add an additional entrance is required per IFC adopted appendix D107.1.

PUBLIC WORKS/ENGINEERING: A new detention pond will be constructed to control storm water runoff.

TRAFFIC ENGINEER: Every lot should take access off Red Sky Ranch Dr.; access to 48th Ave. N.W. will be in violation of the access requirements defined in the City's Engineering Design Criteria.

UTILITIES: No comments.

CONCLUSION: Staff forwards this request for rezoning to a PUD, Planned Unit Development, and Ordinance O-2324-2 for consideration by City Council.

At their July 13, 2023 meeting, Planning Commission unanimously recommended adoption of Ordinance O-2324-2, by a vote of 6-0.

O-2324-2

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 NINE (9), 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 PUD, PLANNED UNIT DEVELOPMENT, AND PLACE SAME IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (West of 48th Avenue N.W. between Franklin Road and Tecumseh Road)

- § 1. WHEREAS, West Franklin Holding Co., 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 PUD, Planned Unit Development, 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 PUD, Planned Unit Development, and place the same in the PUD, Planned Unit Development District, to wit:

A tract of land being a part of the Northeast Quarter (N.E. ¼) of Section 9, Township 9 North (T9N), Range 3 West (R3W), of the Indian Meridian, Norman, Cleveland County, Oklahoma, being more particularly described as follows:

COMMENCING at the Southeast corner of said NE/4; THENCE South 89°32'52" West along the South line of said NE/4 a distance of 700.00 feet to the POINT OF BEGINNING, said point also being the Southwest corner of a tract of land described in Quit Claim Deed recorded in Book 6047, Page 1399;

Ordinance No. O-2324-2
Page 2

THENCE continuing South 89°32'52" West along said South line a distance of 860.13 feet; THENCE North 00°03'53" East a distance of 990.60 feet to a point on the South line of a tract being the N/2, N/2, S/2, of said NE/4, as recorded in Book 6170, Page 534; THENCE North 89°35'55" East along said South line a distance of 1549.69 feet to the Southeast corner of said N/2, N/2, S/2, NE/4; THENCE South 00°32'21" East along the East line of said NE/4 a distance of 268.41 feet; THENCE North 89°47'56" West a distance of 433.55 feet; THENCE South 00°53'24" East a distance of 412.41 feet to a point on the North line of said tract of land described in Quit Claim Deed recorded in Book 6047, Page 1399, said point also being the Southwest corner of RED SKY RANCH PHASE 1, a platted subdivision to the City of Norman recorded in Plat Book 25, Page 184; THENCE South 89°32'52" West along the North line of said tract of land described in Quit Claim Deed recorded in Book 6047, Page 1399, a distance of 269.01 feet to the Northwest corner thereof; THENCE South 00°32'21" East along the West line of said tract of land described in Quit Claim Deed recorded in Book 6047, Page 1399, a distance of 313.33 feet to the POINT OF BEGINNING;

Said tract containing 1,142,653 square feet, or 26.232 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, approved by the Planning Commission on July 13, 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)

RED SKY RANCH SECTION 2

**A PLANNED UNIT DEVELOPMENT
NORMAN, OKLAHOMA**

**APPLICANT:
*WEST FRANKLIN HOLDING COMPANY LLC***

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

Submitted May 1, 2023
Revised June 29, 2023
Revised July 7, 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. Additional Development Criteria

EXHIBITS

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

I. INTRODUCTION

West Franklin Holding Company LLC (the “**Applicant**”) seeks to rezone a tract of property, containing approximately 26.232 acres, located in Ward 3 of the City of Norman. The site is generally located West of 48th Avenue NW, South of West Franklin Road, and North of West Tecumseh Road. The property is more particularly described on the attached **Exhibit A** (the “**Property**”). The Property is currently zoned A-2, Rural Agricultural and PUD via Ordinance No. O-2021-47. Three lots were previously rezoned to PUD, via Ordinance No. O-2021-47, and included as part of Red Sky Ranch Section 1. Two of those lots were not final platted. As proposed, a street connection is routed through those two remaining lots to access the new Property proposal; therefore, they are being incorporated into this request.

The Applicant seeks to rezone the Property to this Planned Unit Development (“**PUD**”) in order to put forth the parameters for the phased development of the Property. The purpose of this PUD is to allow the Applicant to develop ten (10) single-family residential lots in accordance with the terms and conditions contained herein. The proposed development of the Property will bring new residential opportunities to the community. The existing barn and athletic complex will be allowed to remain and continue operating as it is currently until the final phase of development, as outlined below.

II. PROPERTY DESCRIPTION/GENERAL SITE CONDITIONS

A. Location

The Property is generally located West of 48th Avenue NW, South of West Franklin Road, and North of West Tecumseh Road.

B. Existing Land Use and Zoning

The Property is currently zoned A-2, Rural Agricultural and PUD, Ordinance No. O-2021-47, and it has a NORMAN 2025 designation of Very Low Density Residential. This property was designated as floodplain with the adoption of the NORMAN 2025; however, with the amendments to the FEMA Floodplain Maps, the floodplain designation was removed from the greater majority of the property. The western edge still carries floodplain but no development is proposed in this area. With this PUD request and removal of the floodplain, the area is no longer impacted by the twenty-acre minimum. As noted above this is a continuation of the previously adopted PUD for Red Sky Ranch, Section 1.

The property to the North is zoned A-2, Rural Agricultural. The properties to the West are zoned A-2, Rural Agricultural. The properties to the South are zoned A-2, Rural Agricultural and A-1, General Agricultural. The properties to the East are zoned PUD, Planned Unit Development, A-2, Rural Agricultural, and RE, Residential Estates.

Generally, the surrounding NORMAN 2025 designations are Very Low Density Residential, with Floodplain designation located to the West.

C. Elevation and Topography

The Property consists of largely unimproved land and the athletic complex. The Property is generally flat and slopes slightly from the east to the west.

D. Drainage

A drainage report has been provided by the Applicant to City Staff as part of the Preliminary Plat application. A detention pond will be constructed to handle storm water runoff.

D. Utility Services

These lots will be served by Private Water Wells and 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 is planned to accommodate ten (10) single-family residential lots. The Property shall be developed in general compliance with the Site Development Plan, attached hereto as **Exhibit B**. 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), and barn/storage buildings, as well as an allowance for the existing athletic complex, until the final phase of development. A complete list of the allowable uses for the Property is attached as **Exhibit D**.

B. Area Regulations:

The residential 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, provided such structures are located within the rear half of the buildable area outside of any flood zone or detention area.

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, provided such structures are located within the rear half of the buildable area. Notwithstanding the foregoing, no portion of the dwelling may be located within the floodplain.

All lots:

Intensity & Lot Size: There shall be a minimum lot width of one hundred and five (105) feet at the front building line of each platted lot. Each platted lot shall be a minimum of 1.45 acres.

No more than one (1) principal single-family dwelling unit shall be constructed on any one platted lot. No more than one (1) Accessory Dwelling Unit (ADU) shall be constructed on any one platted lot. Accessory Dwelling Units 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 constructing accessory buildings such as: pool houses, barns or sheds so long as they are not used as residential dwelling units with full kitchens. The locations of accessory buildings are subject to modification during final development of each residential lot.

Each individual residential 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.

2. Open Space

A minimum of 25% (6.77 acres) of the Property shall be used as open green space.

3. Traffic access/circulation/parking and sidewalks

Access to the Property shall be permitted in the manner depicted on the attached Site Development Plan. Red Sky Ranch Drive, as depicted on the Site Development Plan, will be constructed to provide access to the residential lots. Sidewalks are not required along Red Sky Ranch Drive.

4. Phasing of Development

As shown on the Site Development Plan, the existing athletic complex is allowed to continue operating in the same manner it currently operates until the final phase of development of the Property. It is expected that the initial phase of development is anticipated to be the platting of Lot 1. It is expected that the second phase will be a partial extension of Red Sky Ranch Drive for the platting of Lot 2. Phase 3 is expected to be the construction of the north south leg of Red Sky Ranch Drive for the platting of Lots 5, 6, 7, 8, 9, & 10. The final phase is anticipated to be the platting of Lots 3 & 4 with the removal of the athletic complex, as shown on the Site Development Plan. The actual sequencing and timing of development phases will be determined by market demand and absorption rates.

EXHIBIT A

Legal Description of the Property

**LEGAL DESCRIPTION
RED SKY RANCH 2 PROPERTY
NORMAN, OKLAHOMA**

A tract of land being a part of the Northeast Quarter (N.E. ¼) of Section 9, Township 9 North (T9N), Range 3 West (R3W), of the Indian Meridian, Norman, Cleveland County, Oklahoma, being more particularly described as follows:

COMMENCING at the Southeast corner of said NE/4; THENCE South 89°32'52" West along the South line of said NE/4 a distance of 700.00 feet to the POINT OF BEGINNING, said point also being the Southwest corner of a tract of land described in Quit Claim Deed recorded in Book 6047, Page 1399;

THENCE continuing South 89°32'52" West along said South line a distance of 860.13 feet; THENCE North 00°03'53" East a distance of 990.60 feet to a point on the South line of a tract being the N/2, N/2, S/2, of said NE/4, as recorded in Book 6170, Page 534; THENCE North 89°35'55" East along said South line a distance of 1549.69 feet to the Southeast corner of said N/2, N/2, S/2, NE/4; THENCE South 00°32'21" East along the East line of said NE/4 a distance of 268.41 feet; THENCE North 89°47'56" West a distance of 433.55 feet; THENCE South 00°53'24" East a distance of 412.41 feet to a point on the North line of said tract of land described in Quit Claim Deed recorded in Book 6047, Page 1399, said point also being the Southwest corner of RED SKY RANCH PHASE 1, a platted subdivision to the City of Norman recorded in Plat Book 25, Page 184; THENCE South 89°32'52" West along the North line of said tract of land described in Quit Claim Deed recorded in Book 6047, Page 1399, a distance of 269.01 feet to the Northwest corner thereof; THENCE South 00°32'21" East along the West line of said tract of land described in Quit Claim Deed recorded in Book 6047, Page 1399, a distance of 313.33 feet to the POINT OF BEGINNING;

Said tract containing 1,142,653 square feet, or 26.232 acres, more or less.

EXHIBIT D
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 and shall not contain a full kitchen.
- 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; (b) the structure is not rented or leased separate from the entire lot; (c) 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

Temporary Allowances for Lots 3 & 4 until Final Phase of Development and Final Plat of Lots 3 & 4:

- Athletic Complex, will be allowed to remain and continue operating as it is currently until the final phase of development
 - Current Use Includes:
 - Various Indoor and Outdoor Athletic Fields and Training Areas
 - Gym and Workout Facilities
- Guard/Night Watchman House

A-2
1339

FRANKLIN RD

PUD
0910-14

Item 2.

48TH AVE NW

Subject Tract

A-2
1339

PUD
2021-47

A-2
1339

RED SKY RANCH 1

A-1
7273-103

RE
7475-25



RIDGELINE DRIVE

RE
7475-25

TIMBERIDGE DRIVE

TIMBERIDGE CIR

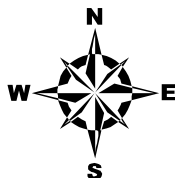
RE
7475-17

 Subject Tract
 Zoning

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

0 300 600 Ft.

ORDINANCE NO. O-2324-2

ITEM NO. 10

STAFF REPORT

GENERAL INFORMATION

| | |
|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| APPLICANT | West Franklin Holding Co., L.L.C. |
| REQUESTED ACTION | Rezoning to PUD, Planned Unit Development District |
| EXISTING ZONING | PUD, Planned Unit Development and 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: A-2, Rural Agricultural District |
| LOCATION | West of 48 th Avenue N.W. between W. Franklin Road and W. Tecumseh Road |
| WARD | 3 |
| CORE AREA | No |
| AREA/SF | 26.232 acres, more or less |
| PURPOSE | Ten (10) single-family residential lots |
| EXISTING LAND USE | Agricultural |
| SURROUNDING LAND USE | North: Agricultural/residential East: Residential South: Agricultural/residential West: Agricultural |
| LAND USE PLAN DESIGNATION | Very Low Density Residential |
| PROPOSED LAND USE DESIGNATION | Very Low Density Residential (No change) |
| GROWTH AREA DESIGNATION | Suburban Residential |

PROJECT OVERVIEW: This proposal is a continuation of Red Sky Ranch Section 1, approved by the City of Norman via Ordinance No. O-2021-47. The applicant intends to rezone from the existing single-family PUD, Planned Unit Development (O-2021-47) and A-2, Rural Agricultural District, to a PUD, Planned Unit Development, to develop 10 single-family residential lots and allow the continued use of the existing athletic facility until such time of redevelopment.

The subject property is 26.23 acres of land located on the west side of 48th Avenue NW, situated between Franklin Road and Tecumseh Road. As seen on the attached site plan, the property fronts 48th Avenue NW.

PROCEDURAL REQUIREMENTS:

GREENBELT MEETING: **GBC23-13 June 20, 2023**

Greenbelt forwards this item with no additional comments.

PRE-DEVELOPMENT MEETING: **PD 23-22 May 25, 2023**

After a discussion with the applicant, the neighbors understood the project and its scope but still had concerns about sanitation, water wells, and flooding. They are worried about the extra runoff that the new houses will produce. The applicant explained how the engineering team calculated the runoff to provide the necessary measures to prevent the area from flooding. However, this remains a primary concern because the site is already dealing with flooding issues, and previous experiences make the neighbors skeptical about preventive measures.

BOARD OF PARKS COMMISSIONERS: **Due to one dwelling unit per 1.45 +/- acres, this item is not required to appear before the Board of Parks Commissioners.**

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: This PUD, Planned Unit Development, will allow the development of single-family residential and compatible uses, as well as an allowance for the existing athletic complex until the final phase of development. The Narrative also allows for accessory dwelling units. A complete list of the allowable uses is attached as Exhibit D in the PUD narrative.

OPEN SPACE/PARKLAND: A minimum of 25% of the Property shall be used as open green space. Each individual residential lot shall have a maximum of 65% impervious area.

SITE PLAN/ACCESS: Access to the Property shall be permitted in the manner depicted on the attached Preliminary Site Development Plan attached in PUD Narrative. Sidewalks are not required along Red Sky Ranch Drive.

AREA REGULATIONS: The applicant is requesting the following area regulations for the development:

The residential lots within the Property shall comply with the following regulations:

Setbacks:

- **Front Yard:** The minimum front yard setback shall be 25 feet.
- **Side Yard:** The minimum side yard shall be 10 feet. Unattached one-story buildings of accessory use shall be located at least ten feet from the side property line, or fifteen (15) feet if more than one-story, provided such structures are located within the rear half of the buildable area outside of any flood zone or detention area.
- **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 feet if more than one story, provided such structures are located within the rear half of the buildable area. Notwithstanding the foregoing, no portion of the dwelling may be located within the floodplain.

All lots:

- **Intensity & Lot Size:** There shall be a minimum lot width of one hundred and five feet at the front building line of each platted lot. Each platted lot shall be a minimum of 1.45

acres. No more than one principal dwelling unit shall be constructed on any platted lot. Separate accessory dwelling units (ADUs) will be allowed to have living accommodations, including full kitchens. Each residential lot owner may add additional accessory buildings, including pool houses, barns, sheds, and other buildings as long as they do not include full kitchens. The locations of accessory buildings are subject to modification during final development of each residential lot.

SANITATION/UTILITIES: The development will be served by Private Water Wells and Private Sanitary Sewer Systems.

PHASING: The applicant requests the existing athletic complex remain operational until the final phase of development of the Property. The initial phase of development is anticipated to be the platting of Lot 1. Next will be a partial extension of Red Sky Ranch Drive for the platting of Lot 2. Phase 3 will be the construction of the north south leg of Red Sky Ranch Drive for the platting of Lots 5, 6, 7, 8, 9, & 10. The final phase is anticipated to be the platting of Lots 3 & 4 with the removal of the athletic complex, as shown on the Site Development Plan. The timing of development phases will be determined by market demand and absorption rates.

EXISTING ZONING: The current zoning of the subject property is PUD, Planned Unit Development and A-2, Rural Agricultural District. The 2004 adoption of the NORMAN 2025 followed the previously adopted floodplain maps and included this property in the Ten Mile Flat area; however, in 2021 the FEMA floodplain maps were updated removing the floodplain designation from the greater majority of this property making it more suitable for development. Due to the removal from the floodplain designation and the requested PUD, the 20-acre minimum no longer applies to this property.

Current Comprehensive Plan Designation – NORMAN 2025: This project is located in the Suburban Residential Growth Boundary Designation. Within the Suburban Residential Growth boundary, the area is recognized as suitable for development from an environmental standpoint, but not planned for sanitary sewer service.

The Plan recommends but does not require development at suburban densities, one unit per two acres. This proposal is scheduled for one unit per 1.45 acres with the possibility of a single ADU to allow for aging in place. Development will generally require individual water wells and sewage treatment systems, which this proposal included.

ALTERNATIVES/ISSUES:

IMPACTS: This development will have access off Red Sky Ranch Drive only. There will be no access from 48th Ave. N.W. The single-family development may represent a minimal impact on the traffic volume of the area. Red Sky Ranch Section 2 will be located east of the FEMA floodplain.

OTHER AGENCY COMMENTS:

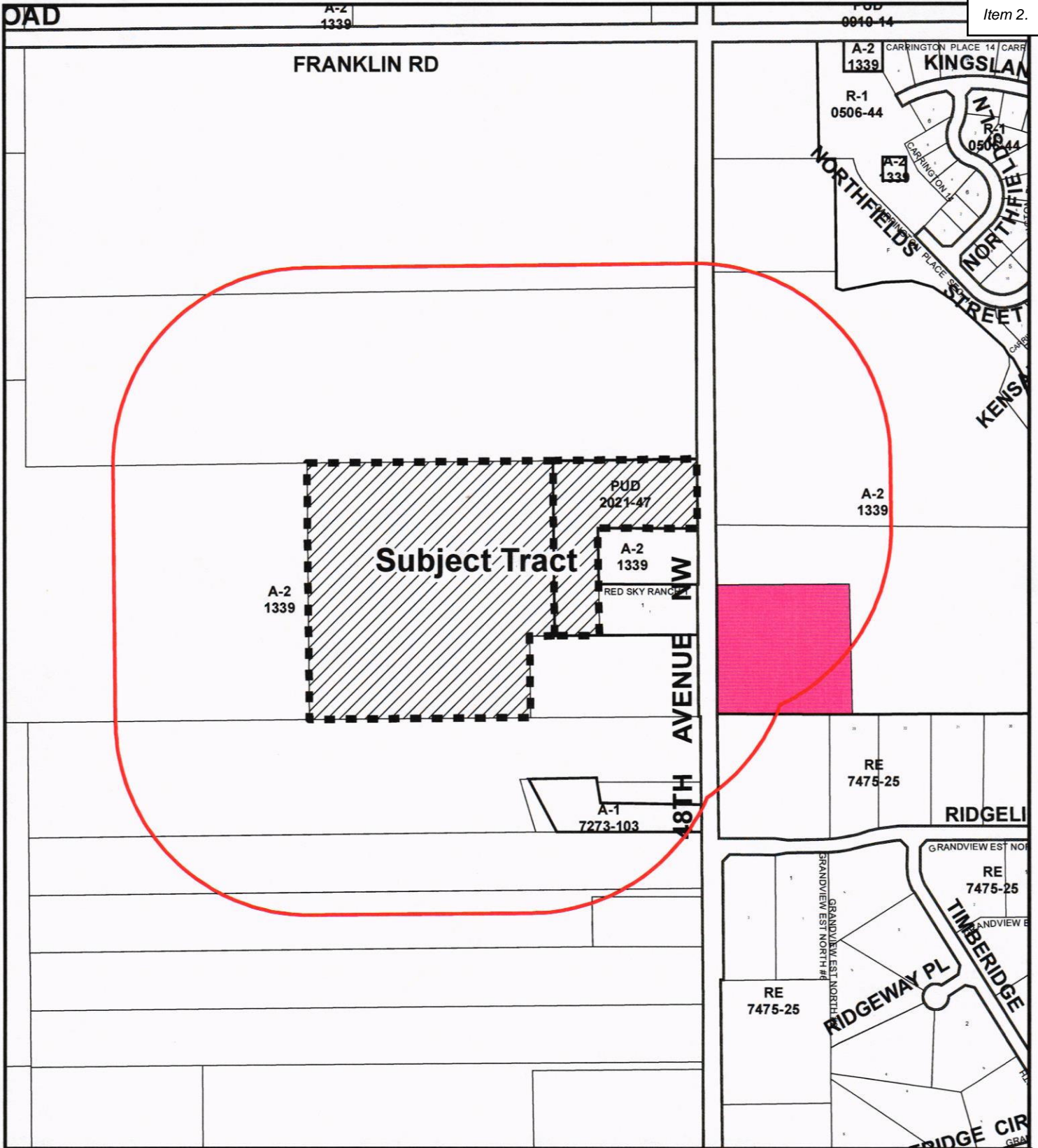
FIRE DEPARTMENT: If additional Phases are planned to exceed 30 dwelling units, a plan to add an additional entrance is required per IFC adopted appendix D107.1.

PUBLIC WORKS/ENGINEERING: A new detention pond will be constructed to control storm water runoff.

TRAFFIC ENGINEER: Every lot should take access off Red Sky Ranch Dr.; access to 48th N.W. will be in violation of the access requirements defined in the City's Engineering Design Criteria.

UTILITIES: No comments.

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



Protest Map

4.30% Protest Within Notification Area
0.00% Support 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

July 11, 2023

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

Louise Higginbotham
4201 48th Avenue Northwest
Norman, OK 73072

RECEIVED
JUL 10 2023
BY: Melissa N.

July 9, 2023
City of Norman Planning Services Division
225 N Webster Ave
Norman, OK 73069

Subject: Opposition to Rezoning for Proposed Development

Dear Members of the Zoning Commission,

I write to you today with great concern regarding the proposed development project and the potential rezoning that accompanies it. I urge you to carefully consider the following points before making a decision that could have irreversible consequences for our community.

Firstly, I would like to draw attention to the plan to raise land by hauling in dirt. While this may seem like a viable solution for the developers, it poses significant risks for nearby property owners. Such elevation changes have the potential to disrupt natural drainage patterns, causing water to redirect towards existing properties. This alteration increases the likelihood of flooding and poses a threat to the safety and well-being of our community members.

Additionally, the proposed retaining pond is insufficient to address the drainage problems that will arise from the introduction of additional hard surfaces. The City of Norman's own website highlights the vital role of the affected floodplains in flood storage, conveyance, and reduction of flood velocities and peaks.

“Floodplains and wetlands provide breeding and feeding grounds for fish and wildlife, create and enhance waterfowl habitat, and protect habitats for rare and endangered species. The floodplains are an important asset to the City of Norman. They provide open space, aesthetic pleasure, and areas for active uses such as parks. “

- <https://www.normanok.gov/your-government/departments/public-works-department/stormwater-division/flood-hazard-protection>

By allowing more hard surfaces to replace these crucial floodplains, we risk diminishing their effectiveness in flood prevention and compromising the water quality of our city.

Moreover, the runoff of residential lawn chemicals resulting from this development poses a serious threat to existing agricultural land use. The City of Norman has recognized the importance of protecting water quality through the enactment of the Manufactured Fertilizer Ordinance and the Water Quality Protection Zone Ordinance. These measures aim to improve water quality and prevent pollution caused by the runoff of harmful substances. Allowing this proposed development to proceed would contradict the city's own efforts and put our agricultural land and livestock at risk.

Lastly, the introduction of additional septic tanks and water wells associated with the proposed development poses considerable risks to the supply and quality of water for both existing agricultural and residential use. The potential for contamination and depletion of our valuable water resources cannot be overlooked. Our community depends on access to clean and sufficient water, and we should prioritize its preservation for the benefit of current and future generations.

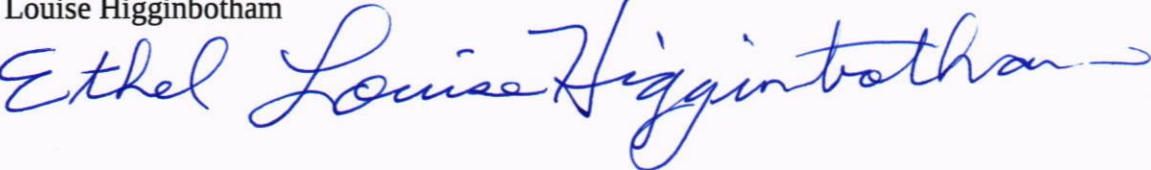
I implore you to review the City of Norman's own website and consider the strong case it makes against the proposed development. Our floodplains, wetlands, and agricultural lands provide essential benefits to our community, including flood control, water filtration, wildlife habitat, and open spaces. Rezoning for this development would jeopardize these vital assets that contribute to the health, beauty, and ecological balance of our city.

In light of these concerns, I respectfully request that you reconsider the rezoning proposal and carefully evaluate its potential impacts on our community and environment. Let us prioritize sustainable development practices that protect our natural resources and preserve the well-being of our residents.

Thank you for your attention to this matter. I trust that you will make a decision that reflects the best interests of our community and upholds the values outlined on the City of Norman's website.

Sincerely,

Louise Higginbotham



RECEIVED
JUL 10 2023
BY: Melissa N





Item 2.

RECEIVED

JUL 10 2023

BY: Melissa N.



CITY OF NORMAN, OK PLANNING COMMISSION MEETING

Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069
Thursday, July 13, 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 13th day of July, 2023.

Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <https://norman-ok.municodem meetings.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
Steven McDaniel
Liz McKown
Kevan Parker
Erica Bird
Jim Griffith
Maria Kindel

ABSENT

Douglas McClure
Michael Jablonski

A quorum was present.

STAFF PRESENT

Jane Hudson, Planning Director
Lora Hoggatt, Planning Services Manager
Anais Starr, Planner II
Melissa Navarro, Planner II
Zach Abell, Planner I
Roné Tromble, Admin. Tech. IV
Beth Muckala, Assistant City Attorney
David Riesland, Transportation Engineer
Todd McLellan, Development Engineer
Jack Burdett, Subdivision Development Coordinator
Bryce Holland, Multimedia Specialist

PUD Zoning & Preliminary Plat

10. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of O-2324-2: West Franklin Holding Co., LLC requests rezoning from A-2, Rural Agricultural District, and PUD, Planned Unit Development (O-2021-47), to PUD, Planned Unit Development, for approx. 26.232 acres of property generally located south of Franklin Road and west of 48th Avenue NW.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. PUD Narrative with Exhibits A-E

11. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of PP-2324-2: Consideration of a Revised Preliminary Plat submitted by McKown Family, L.L.C. (SMC Consulting Engineers, PC) for RED SKY RANCH SECTION 2, for approx. 26.232 acres of property generally located south of West Franklin Road and west of 48th Avenue NW.

ITEMS SUBMITTED FOR THE RECORD:

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

Ms. McKown asked to be recused for these items.

Motion made by McDaniel, seconded by Kindel, to allow Ms. McKown to recuse for O-2324-2 and PP-2324-2.

Voting Yea: Brewer, McDaniel, McKown, Parker, Bird, Griffith, Kindel

The motion to allow Ms. McKown to recuse carried by a vote of 7-0. She vacated her seat.

PRESENTATION BY STAFF: Ms. Navarro presented the staff report, a copy of which is filed with the minutes. One protest letter was received which represented 4.3% of the notification area.

Mr. Griffith asked about the grade difference between the subject property and the property of the person who submitted the protest letter. Ms. Navarro indicated she is in the audience and can address that.

PRESENTATION BY THE APPLICANT: Gunner Joyce, representing the applicant, stated that the subject property all drains to the west and is designed with a detention pond to retain all the drainage from the project. He presented the project.

Mr. Griffith asked about accessory buildings. Mr. Joyce explained they have retained the language from RE zoning that allows accessory barns, shops, etc. They have added an allowance for accessory dwelling unit, which could be a barndominium.

Mr. Griffith asked if the accessory buildings will mirror the structure of the house. Mr. Joyce responded that the PUD does not obligate that, but it is usually addressed in the private covenants. Richard McKown, 4409 Cannon Drive, further addressed the covenants.

Mr. Parker asked about the slivers of floodplain. Chris Anderson, SMC Consulting Engineers, explained that the plan is to get the lots built up. He noted there is an existing detention pond on the south side of the sports facility which will handle about $\frac{3}{4}$ of the site.

AUDIENCE PARTICIPATION:

Louise Higgenbotham, 4201 48th Avenue N.W., expressed concern for her neighbors from the runoff from this development, as well as from additional water wells and septic systems, and from chemicals and fertilizers used on the properties. She also made comments with regard to who received notice of this project.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Ms. Kindel did not think that additional wells needs to be a concern to neighbors, based on information collected when the City needed to drill additional wells in Ward 5.

Ms. Bird commented that more protests can be submitted prior to the City Council meeting, and there will be opportunity for public comments at that meeting as well.

Ms. Bird appreciated that ADUs cannot be rented separately.

Motion made by McDaniel, seconded by Parker, to recommend approval of O-2324-2 and PP-2324-2 to City Council.

Voting Yea: Brewer, McDaniel, Parker, Bird, Griffith, Kindel

The motion to recommend approval of O-2324-2 and PP-2324-2 to City Council carried by a vote of 6-0.

Ms. McKown resumed her seat.

*

File Attachments for Item:

3. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-4 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 PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIX (6), TOWNSHIP EIGHT (8) NORTH, RANGE TWO (2) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE R-1, SINGLE FAMILY DWELLING DISTRICT, AND PLACE SAME IN THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1104 West Lindsey Street)



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 08/08/2023

REQUESTER: Hunter Miller Family, 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-2324-4 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 PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIX (6), TOWNSHIP EIGHT (8) NORTH, RANGE TWO (2) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE R-1, SINGLE FAMILY DWELLING DISTRICT, AND PLACE SAME IN THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1104 WEST LINDSEY STREET)

PROJECT OVERVIEW: The applicant is requesting a rezoning from R-1, Single-Family Dwelling District, to SPUD, Simple Planned Unit Development, for 1.5 acres at 1104 W. Lindsey Street. This SPUD seeks to allow the applicant to split and develop the Property as three single-family residential lots. The applicant must request a SPUD for this development/design because the proposed lot configuration, particularly for Lot 3, does not meet current R-1 requirements for lot width along the street frontage.

PROCEDURAL REQUIREMENTS

GREENBELT COMMISSION: N/A for this item

PRE-DEVELOPMENT MEETING: PD 23-23

After a discussion with the applicant's representative, attendees understood the project and its scope but still had questions about traffic flow, fencing by adjacent properties (namely Penny Hill), and lot sizes. Attendees asked if vehicles will be backing out onto W. Lindsey St. The applicant's engineer explained there will be enough space on the development to turn around and exit the driveway with no need for reversing into the street. Attendees asked if all the trees will be removed. The applicant explained they are going to keep trees as shown on the site plan;

they tried to save the large trees on the lot but trees will be removed to allow for the placement of homes and pavement.

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 SPUD Narrative includes the allowable uses for this proposal as Exhibit C. The proposed uses are the same as the uses permitted in R-1.

OPEN SPACE: Open space shall be utilized on the Property as shown on the Site Development Plan. The impervious area and building coverage for the Property shall not exceed 65% per lot.

SITE PLAN/ACCESS: The proposed site plan has one access point, a private drive, off W. Lindsey Street. The driveway shown on the site development plan provides access to each of the three lots. The driveway is 26' wide to allow for additional parking and two-way traffic. The existing house on the property will remain and each of the two new lots will have a single-family home. The site development plan shows two proposed rain gardens – one on Lot 2 near W. Lindsey Street and one on Lot 3 along the eastern property line behind the residence.

The following shall be the required building setbacks:

- The front setback shall be a minimum of twenty-five (25) feet.
- All other building setbacks shall be a minimum of five (5) feet.

The proposed lot width for Lot 3 is only 30' wide. The typical R-1 lot width is 35' where abutting a street and 50' at the building line.

LANDSCAPING: Landscaping shall be installed and maintained in order to meet or exceed the City of Norman's applicable landscaping requirements for single-family residential lots, as amended from time to time. The locations and types of landscaping are subject to modification during final site development.

SIGNAGE: All signs shall comply with the sign standards of the City of Norman Sign Code as applicable to a zoning of R-1, Single-Family Dwelling District.

HEIGHT: No buildings will be taller than 3.5 stories or 35' in height, excluding any necessary roof top mechanical units, equipment, screening, or parapet walls.

LIGHTING: The Property shall comply with the City of Norman's applicable lighting requirements for single-family residential lots, as amended from time to time.

SANITATION: Polycarts will be used by each residence for trash collection.

PARKING: The property will comply with the City's applicable parking ordinances. Each single-family residence will be required to provide two spaces per dwelling unit.

SIDEWALKS: A five (5) foot sidewalk will be installed in the location shown on the Site Development Plan and will meet or exceed the City of Norman's applicable standards and ordinances for sidewalk design and construction, as amended from time to time.

FENCING: The SPUD Narrative states fencing is allowed but not required. Fencing, if installed, may be brick, stone, wood, wrought iron, or other material. The maximum fence height for the property will be 8'.

EXTERIOR BUILDING MATERIALS: The exterior materials of the building to be constructed on the Property may be brick, glass, stone, synthetic stone, stucco, EIFS, masonry, metal accents, composition shingles, synthetic slate shingles, metal roofs, or other comparable roofing materials, and any combination thereof.

EXISTING ZONING: The current zoning for the subject property is R-1, Single-Family Dwelling District. This zoning district allows for the development of single-family homes and accessory structures.

ALTERNATIVES/ISSUES:

IMPACTS: The proposed uses for this development are similar or less intense than the surrounding area.

OTHER AGENCY COMMENTS:

FIRE DEPARTMENT: No comments.

PUBLIC WORKS/ENGINEERING: The subject property will be subdivided by a Short Form Plat (SFP). The zoning must be in place before the SFP can go forward.

TRAFFIC ENGINEER: No comments.

UTILITIES: Residents of all lots will be required to take polycarts to Lindsey Street for trash and recycling services. The City has requested the applicant have an agreement filed of record for Lot 3 regarding the trash/recycling requirements and a long private water service and an agreement filed of record for Lot 2 regarding a long private water service. This is to ensure the current and future owners understand the requirements for services and what their responsibilities are for development.

CONCLUSION: Staff forwards this request for rezoning to SPUD, Simple Planned Unit Development, and Ordinance O-2324-4 for consideration by City Council.

At their July 13, 2023 meeting, Planning Commission unanimously recommended adoption of Ordinance O-2324-4, by a vote of 7-0.

O-2324-4

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 NORTHWEST QUARTER (NW/4) OF SECTION SIX (6), TOWNSHIP EIGHT (8) NORTH, RANGE TWO (2) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE R-1, SINGLE FAMILY DWELLING DISTRICT, AND PLACE SAME IN THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1104 WEST LINDSEY STREET)

- § 1. WHEREAS, Hunter Miller Family, L.L.C., the owners of the hereinafter described property, have made application to have the subject property removed from the R-1, Single Family Dwelling 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 R-1, Single Family Dwelling District and place the same in the SPUD, Simple Planned Unit Development District, to wit:

A part of the Northwest Quarter (NW1/4) of Section Six (6), Township Eight (8) North, Range Two (2) West of the Indian Meridian, described as follows: Beginning at a point 33 feet South and 133 feet East of the Northwest corner of said Quarter Section; thence South 200 feet; thence East 94.5 feet; thence South 222.8 feet; thence East 117.5 feet; thence North 422.8 feet; thence West 212 feet to place of beginning.

Containing 67,352.87 Sq. Ft. or 1.5462 Acres, more or less.

Ordinance No. O-2324-4
Page 2

- § 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 July 13, 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)

ESHELMAN PLACE

SIMPLE PLANNED UNIT DEVELOPMENT

APPLICANT:

HUNTER MILLER FAMILY, LLC

APPLICATION FOR:

PRELIMINARY PLAT AND
SIMPLE PLANNED UNIT DEVELOPMENT

SUBMITTED: June 1, 2023

REVISED: June 29, 2023

PREPARED BY:

RIEGER LAW GROUP PLLC
136 Thompson Drive
Norman, Oklahoma 73069

TABLE OF CONTENTS

I. INTRODUCTION

Background and Intent

II. PROPERTY DESCRIPTION/EXISTING PROPERTY CONDITIONS

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

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

- A. Uses Permitted
- B. Site Plan
- C. Traffic access/circulation/sidewalks
- D. Open Space
- E. Signage
- F. Height
- G. Parking
- H. Exterior Materials
- I. Fencing
- J. Drainage
- K. Landscaping
- L. Lighting
- M. Sidewalks
- N. Sanitation

EXHIBITS

- A. Legal Description
- B. Site Development Plan
- C. Allowable Uses

I. INTRODUCTION

This Simple Planned Unit Development (the “**SPUD**”) is being submitted for the property located at 1104 W. Lindsey Street, as more particularly described on **Exhibit A** (the “**Property**”). This SPUD seeks to rezone the Property from the existing R-1, Single Family Dwelling designation to allow the applicant to split and develop the Property as three single family residential lots.

II. PROPERTY DESCRIPTIONS; EXISTING CONDITIONS

A. Location

The Property is located at 1104 W. Lindsay Street, which is near the intersection of W. Lindsey Street and S. Berry Road.

B. Existing Land Use and Zoning

The existing zoning is R-1, Single Family Dwelling, and the existing NORMAN 2025 Land Use Plan designation is Low Density Residential.

C. Elevation and Topography

The Property is largely undeveloped, with the exception of a single-family residential structure, and the topography of the Property slopes gradually from West to East.

D. 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.

E. 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.

F. Traffic Circulation and Access

Traffic circulation and access to the Property shall be allowed in the manner shown on the attached Site Development Plan.

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

A. Uses Permitted

This SPUD seeks to retain the Property's existing allowable uses under R-1, Single Family Dwelling to allow for the development of three single family residential structures on the Property, as well as accompanying uses. A complete list of allowable uses on the Property is attached as **Exhibit C**.

B. Site Plan

The Property shall be developed as depicted on the Site Development Plan, attached hereto as **Exhibit B**, subject to final design development and the changes allowed by Section 36-510 (k) of the City of Norman's SPUD Ordinance, as may be amended from time to time.

The following shall be the required building setbacks:

- The front setback shall be a minimum of twenty-five (25) feet.
- All other building setbacks shall be a minimum of five (5) feet.

C. Traffic access/circulation/sidewalks

Traffic circulation and access to the Property shall be allowed in the manner shown on the attached Site Development Plan.

D. Open Space

Open space shall be utilized on the Property as shown on the Site Development Plan. The impervious area and building coverage for the Property shall not exceed 65% per lot.

E. Signage

All signs shall comply with the sign standards of the City of Norman Sign Code as applicable to a zoning of R-1, Single Family Dwelling designation.

F. Height

No buildings shall exceed three and one-half (3-1/2) stories or thirty-five (35) feet in height, excluding any necessary roof top mechanical units, equipment, screening, or parapet walls.

G. Parking

The Property shall comply with Norman's applicable parking ordinances, as amended from time to time.

H. Exterior Materials

The exterior materials of the building to be constructed on the Property may be brick, glass, stone, synthetic stone, stucco, EIFS, masonry, metal accents,

composition shingles, synthetic slate shingles, metal roofs, or other comparable roofing materials, and any combination thereof.

I. Fencing

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

J. Drainage

A preliminary drainage report has been provided to City Staff. The development of the Property shall meet or exceed the applicable ordinances and standards of the City, as amended from time to time. Low Impact Development Techniques (“LIDs”) will be used in the development of the Property to further assist in drainage management on site. The locations and types of LIDs are subject to modification during final site development.

K. Landscaping

Landscaping shall be installed and maintained in order to meet or exceed the City of Norman’s applicable landscaping requirements for single-family residential lots, as amended from time to time. The locations and types of landscaping are subject to modification during final site development.

L. Lighting

The Property shall comply with the City of Norman’s applicable lighting requirements for single-family residential lots, as amended from time to time.

M. Sidewalks

A five (5) foot sidewalk will be installed in the location shown on the Site Development Plan and will meet or exceed the City of Norman’s applicable standards and ordinances for sidewalk design and construction, as amended from time to time.

N. Sanitation

Sanitation services for the Property shall be consistent with the City of Norman’s applicable sanitation standards and regulations applicable to single family residential lots, as amended from time to time, such as poly cart service for each lot.

EXHIBIT A

Legal Description of the Property

A part of the Northwest Quarter (NW1/4) of Section Six (6), Township Eight (8) North, Range Two (2) West of the Indian Meridian, described as follows: Beginning at a point 33 feet South and 133 feet of the Northwest corner of said Quarter Section; thence South 200 feet; thence East 94.5 feet; thence South 222.8 feet; thence East 117.5 feet; thence North 422.8 feet; thence West 212 feet to place of beginning.

Containing 67,352.87 Sq. Ft. or 1.5462 Acres, more or less.

EXHIBIT B

Site Development Plan

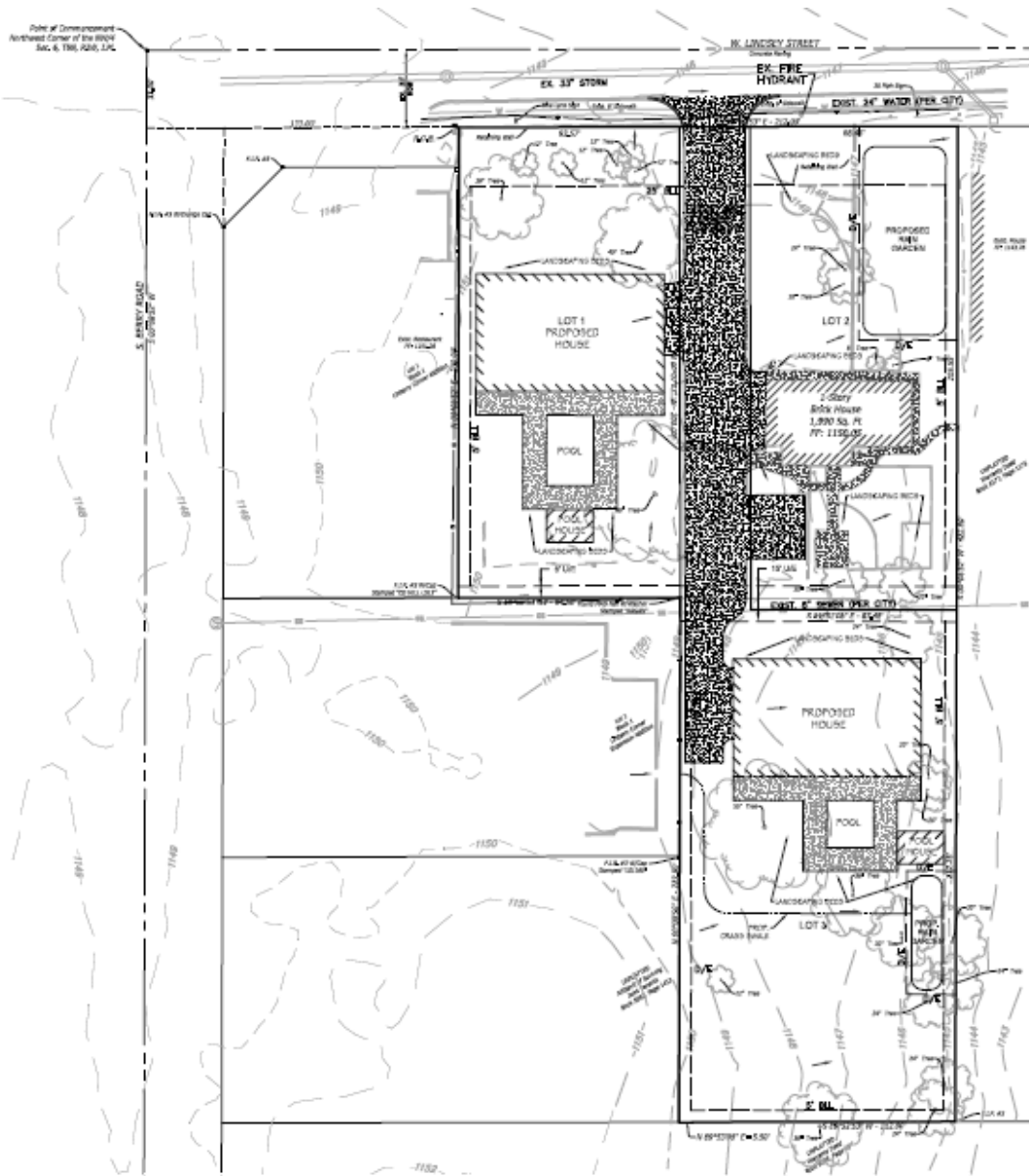


EXHIBIT C

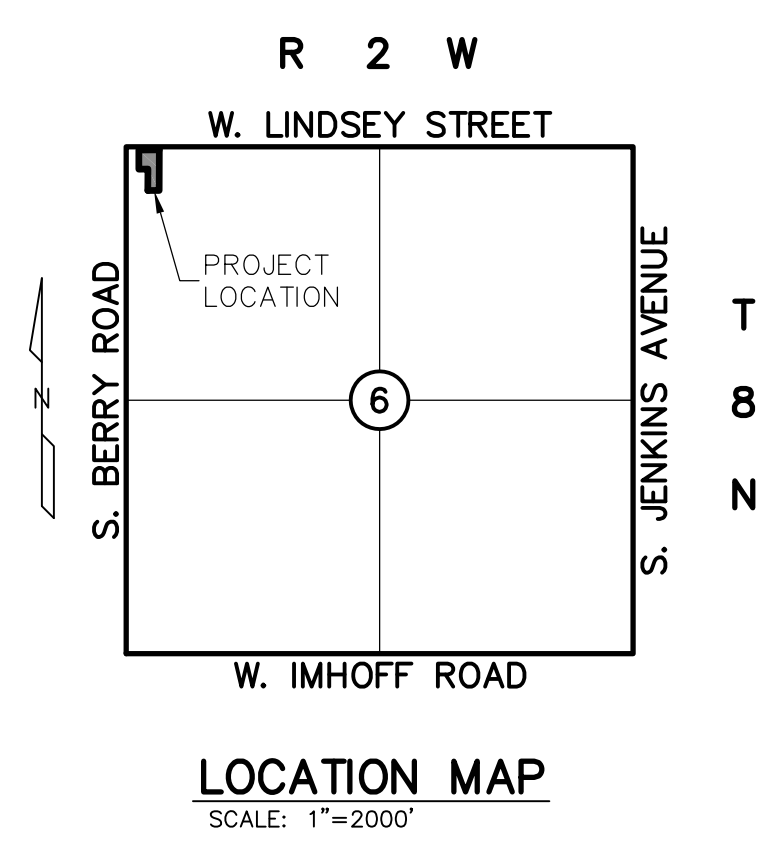
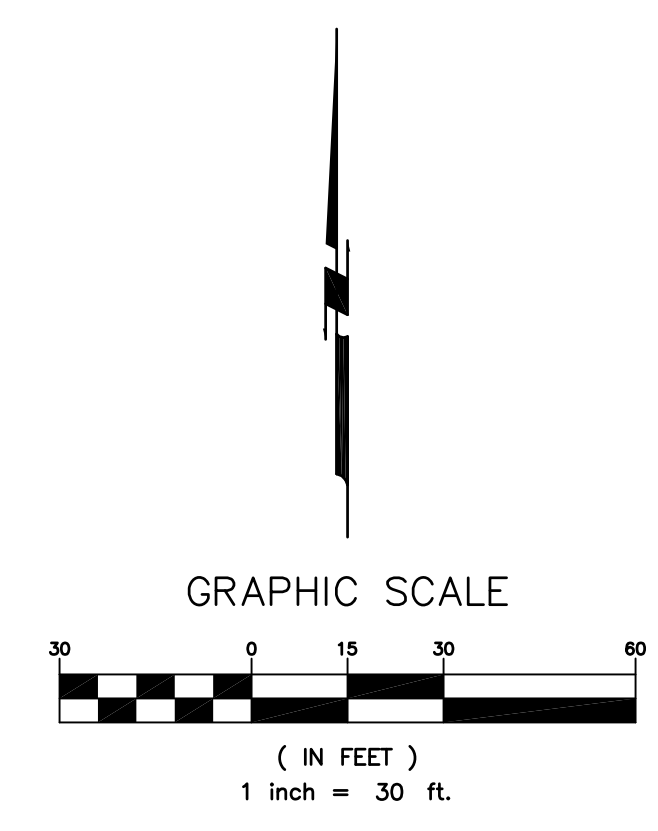
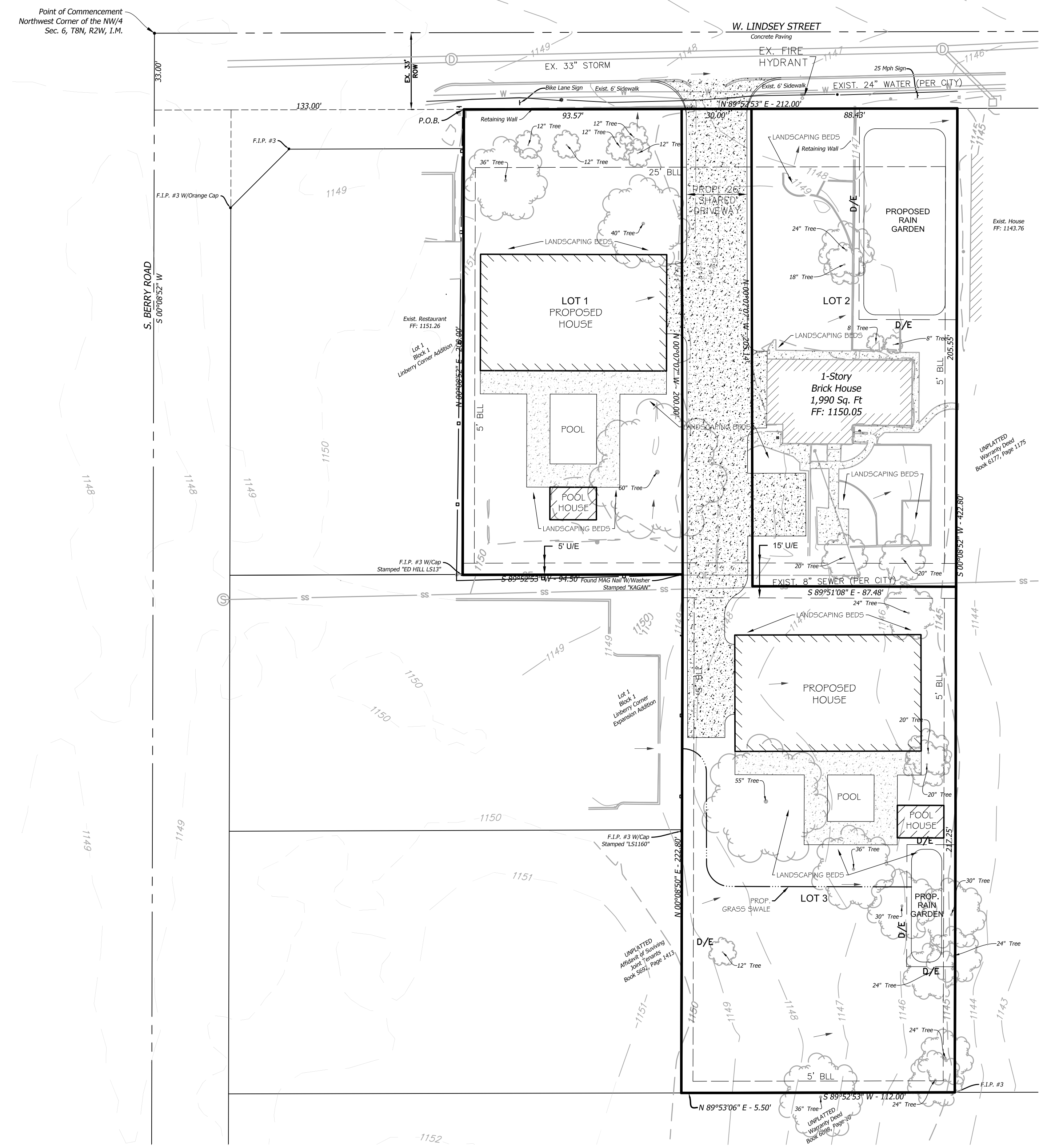
Allowable Uses

Allowable Uses:

- (a) Detached one family dwelling.
- (b) Family day care home.
- (c) General purpose farm or garden.
- (d) Home occupation.
- (e) Municipal recreation or water supply.
- (f) Accessory buildings.
- (g) Commercial parking only on days when the University of Oklahoma football team plays at home, subject to the following restrictions and conditions:
 - (1) On all sides of the parking area abutting other property a barrier shall be erected so as to prevent vehicles from damaging fences, trees, shrubs or other improvements on the adjoining property, such barrier to be at least two (2) feet within the property line of the property used for parking. All vehicles shall be parked within the property line of such property.
 - (2) An attendant over 18 years of age shall be on duty at all times when vehicles are parked on the property.
 - (3) All papers, containers and other trash shall be removed from the premises immediately after the vehicles have been removed.
 - (4) No vehicle shall ever be parked between the property line and any adjoining street.
 - (5) Unless a driveway is provided, a wooden or metal incline shall be placed in the gutter next to the curb on any street where there is a concrete curb, and the same shall be removed immediately after the last parked vehicle has departed. Such incline shall not exceed 25 feet in length or 12 inches in width.
 - (6) Any violation of the foregoing restrictions, whether by the owner of the property, driver of a vehicle, or other person, shall constitute an offense, and in addition to the other penalties provided by law, the owner or operator of such property so used for parking, upon conviction of such offense, shall not use said property for such purpose for the remainder of the year during which such violation occurs.
- (h) Model home, subject to an annual permit, as defined in NCC 36-101, for no more than four years.
- (i) Short-term rentals.

PRELIMINARY SITE DEVELOPMENT PLAN OF ESHELMAN PLACE

A SIMPLE PLANNED UNIT DEVELOPMENT A PART OF THE NORTHEAST QUARTER OF SECTION 6, T 8 N, R 2 W, I.M., NORMAN, CLEVELAND COUNTY, OKLAHOMA



GENERAL NOTES

- EXISTING HOUSE TO REMAIN.
- EXISTING CURB CUT ON W. LINDSEY STREET TO BE WIDENED.

LEGAL DESCRIPTION

A part of the Northwest Quarter (NW1/4) of Section Six (6), Township Eight (8) North, Range Two (2) West of the Indian Meridian, described as follows: Beginning at a point 33 feet South and 133 feet of the Northwest corner of said Quarter Section; thence South 200 feet; thence East 94.5 feet; thence South 222.8 feet; thence East 117.5 feet; thence North 422.8 feet; thence West 212 feet to place of beginning. Containing 67,352.87 Sq. Ft. or 1.5462 Acres, more or less.

Legal description from Golden Land Surveying, LLC ALTA dated 09/20/2021

SUBJECT PROPERTY
1.5462± AC.
W. LINDSEY STREET
CURRENTLY ZONED R-1
REZONE TO SPUD

OWNER/DEVELOPER:
HUNTER MILLER FAMILY, LLC
P.O. BOX 5156
NORMAN, OK 73070

ENGINEER:
ARC ENGINEERING
CONSULTANTS, LLC
STEVE ROLLINS, P.E.
135 DEER CREEK ROAD
EDMOND, OK 73012

SURVEYOR:
GOLDEN LAND SURVEYING, LLC
TROY DEE, P.L.S.
4131 NW 122ND ST, STE 100
OKLAHOMA CITY, OK 73120

PRELIMINARY
THIS DOCUMENT IS PRELIMINARY
IN NATURE AND IS NOT A FINAL
SIGNED AND SEALED DOCUMENT

Arc Engineering Consultants, LLC
CIVIL ENGINEERING LAND PLANNING
EDMOND, OK 73012
135 DEER CREEK ROAD
PHONE (405) 509-0212 FAX (405) 552-8648
CERTIFICATE OF AUTHORIZATION NO. 6290 EXP. 6/30/24

ESHELMAN PLACE
1104 W. LINDSEY STREET
NORMAN, CLEVELAND COUNTY, OKLAHOMA
PRELIMINARY SITE PLAN

| REVISIONS | | DATE |
|-----------|-------------|------|
| NO. | DESCRIPTION | |
| | | |
| | | |
| | | |
| | | |

PROJECT NUMBER:
22-010
DATE:
06-01-23
SCALE:
(HORIZ.) 1"=30'
(VERT.) N/A

SHEET NUMBER
1 of 1



CITY OF NORMAN, OK PLANNING COMMISSION MEETING

Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069
Thursday, July 13, 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 13th day of July, 2023.

Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <https://norman-ok.municodem meetings.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
Steven McDaniel
Liz McKown
Kevan Parker
Erica Bird
Jim Griffith
Maria Kindel

ABSENT

Douglas McClure
Michael Jablonski

A quorum was present.

STAFF PRESENT

Jane Hudson, Planning Director
Lora Hoggatt, Planning Services Manager
Anais Starr, Planner II
Melissa Navarro, Planner II
Zach Abell, Planner I
Roné Tromble, Admin. Tech. IV
Beth Muckala, Assistant City Attorney
David Riesland, Transportation Engineer
Todd McLellan, Development Engineer
Jack Burdett, Subdivision Development Coordinator
Bryce Holland, Multimedia Specialist

SPUD Zoning

15. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of O-2324-4: Hunter Miller Family, L.L.C. requests rezoning from R-1, Single Family Dwelling District, to SPUD, Simple Planned Unit Development, for approx. 1.5 acres of property located at 1104 W. Lindsey Street.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. SPUD Narrative with Exhibits A-C
4. Preliminary Site Development Plan

PRESENTATION BY STAFF: Zach Abell reviewed the staff report, a copy of which is filed with the minutes.

Mr. Griffith asked what is currently on the property. Mr. Abell responded there is an existing house.

PRESENTATION BY THE APPLICANT: Gunner Joyce, Rieger Law Group representing the applicant, presented the project.

Mr. Brewer asked the width of the drive on the previous development that was reviewed recently. Mr. Joyce explained it was a single drive; this is proposed at 26' width. Mr. Brewer asked if there is currently a single drive which is going to be expanded. Mr. Joyce responded affirmatively. He added that the lots will be created by Short Form Plat after the zoning is in place.

Mr. Griffith asked if there is proposed detention. Steve Rollins, Arc Engineering, explained the proposed drainage plan, such as rain gardens.

Ms. Bird asked if it will be possible to make a 3-point turn on the proposed drive. Mr. Rollins replied that it will be a 26' wide drive, which is a regular residential width.

AUDIENCE PARTICIPATION: None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION: Mr. Brewer commented he thinks it is an appropriate plan to provide increased density. Because the drive is the width of a street, it may confuse drivers to think it is a street.

Motion made by Kindel, seconded by McDaniel, to recommend adoption of Ordinance No. O-2324-4 to City Council.

Voting Yea: Brewer, McDaniel, McKown, Parker, Bird, Griffith, Kindel

The motion to recommend adoption of Ordinance No. O-2324-4 to City Council carried by a vote of 7-0.

*

ORDINANCE NO. O-2324-4

ITEM NO: 15

STAFF REPORT

GENERAL INFORMATION

| | |
|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| APPLICANT | Hunter Miller Family, L.L.C. |
| REQUESTED ACTION | Rezoning to SPUD, Simple Planned Unit Development District |
| EXISTING ZONING | R-1, Single Family Dwelling District |
| SURROUNDING ZONING | North: CO, Suburban Commercial Office District and R-1, Single-Family Dwelling District East: R-1, Single-Family Dwelling District South: CO, Suburban Commercial Office District and R-1, Single-Family Dwelling District West: C-2, General Commercial District and CO, Suburban Commercial Office |
| LOCATION | 1104 W. Lindsey Street |
| WARD | 4 |
| CORE AREA | Yes |
| AREA/SF | 1.5 acres, more or less |
| PURPOSE | Three single-family residential lots |
| EXISTING LAND USE | Residential |
| SURROUNDING LAND USE | North: Office/Vacant East: Residential South: Residential West: Commercial |
| LAND USE PLAN DESIGNATION | Low Density Residential |
| PROPOSED LAND USE DESIGNATION | Low Density Residential (No change) |

PROJECT OVERVIEW: The applicant is requesting a rezoning from R-1, Single-Family Dwelling District, to SPUD, Simple Planned Unit Development, for 1.5 acres at 1104 W. Lindsey Street. This SPUD seeks to allow the applicant to split and develop the Property as three single-family residential lots. The applicant must request a SPUD for this development/design because the proposed lot configuration, particularly for Lot 3, does not meet current R-1 requirements for lot width along the street frontage.

PROCEDURAL REQUIREMENTS

GREENBELT COMMISSION: N/A for this item

PRE-DEVELOPMENT MEETING: PD 23-23

After a discussion with the applicant's representative, attendees understood the project and its scope but still had questions about traffic flow, fencing by adjacent properties (namely Penny Hill), and lot sizes. Attendees asked if vehicles will be backing out onto W. Lindsey St. The applicant's engineer explained there will be enough space on the development to turn around and exit the driveway with no need for reversing into the street. Attendees asked if all the trees will be removed. The applicant explained they are going to keep trees as shown on the site plan; they tried to save the large trees on the lot but trees will be removed to allow for the placement of homes and pavement.

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 SPUD Narrative includes the allowable uses for this proposal as Exhibit C. The proposed uses are the same as the uses permitted in R-1.

OPEN SPACE: Open space shall be utilized on the Property as shown on the Site Development Plan. The impervious area and building coverage for the Property shall not exceed 65% per lot.

SITE PLAN/ACCESS: The proposed site plan has one access point, a private drive, off W. Lindsey Street. The driveway shown on the site development plan provides access to each of the three lots. The driveway is 26' wide to allow for additional parking and two-way traffic. The existing house on the property will remain and each of the two new lots will have a single-family home. The site development plan shows two proposed rain gardens – one on Lot 2 near W. Lindsey Street and one on Lot 3 along the eastern property line behind the residence.

The following shall be the required building setbacks:

- The front setback shall be a minimum of twenty-five (25) feet.
- All other building setbacks shall be a minimum of five (5) feet.

The proposed lot width for Lot 3 is only 30' wide. The typical R-1 lot width is 35' where abutting a street and 50' at the building line.

LANDSCAPING: Landscaping shall be installed and maintained in order to meet or exceed the City of Norman's applicable landscaping requirements for single-family residential lots, as amended from time to time. The locations and types of landscaping are subject to modification during final site development.

SIGNAGE: All signs shall comply with the sign standards of the City of Norman Sign Code as applicable to a zoning of R-1, Single-Family Dwelling District.

HEIGHT: No buildings will be taller than 3.5 stories or 35' in height, excluding any necessary roof top mechanical units, equipment, screening, or parapet walls.

LIGHTING: The Property shall comply with the City of Norman's applicable lighting requirements for single-family residential lots, as amended from time to time.

SANITATION: Polycarts will be used by each residence for trash collection.

PARKING: The property will comply with the City's applicable parking ordinances. Each single-family residence will be required to provide two spaces per dwelling unit.

SIDEWALKS: A five (5) foot sidewalk will be installed in the location shown on the Development Plan and will meet or exceed the City of Norman’s applicable standards and ordinances for sidewalk design and construction, as amended from time to time.

FENCING: The SPUD Narrative states fencing is allowed but not required. Fencing, if installed, may be brick, stone, wood, wrought iron, or other material. The maximum fence height for the property will be 8’.

EXTERIOR BUILDING MATERIALS: The exterior materials of the building to be constructed on the Property may be brick, glass, stone, synthetic stone, stucco, EIFS, masonry, metal accents, composition shingles, synthetic slate shingles, metal roofs, or other comparable roofing materials, and any combination thereof.

EXISTING ZONING: The current zoning for the subject property is R-1, Single-Family Dwelling District. This zoning district allows for the development of single-family homes and accessory structures.

ALTERNATIVES/ISSUES:

IMPACTS: The proposed uses for this development are similar or less intense than the surrounding area.

OTHER AGENCY COMMENTS:

FIRE DEPARTMENT: No comments.

PUBLIC WORKS/ENGINEERING: The subject property will be subdivided by a Short Form Plat (SFP). The zoning must be in place before the SFP can go forward.

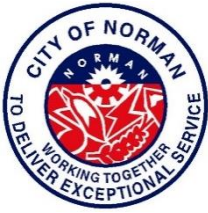
TRAFFIC ENGINEER: No comments.

UTILITIES: Residents of all lots will be required to take polycarts to Lindsey Street for trash and recycling services. The City has requested the applicant have an agreement filed of record for Lot 3 regarding the trash/recycling requirements and a long private water service and an agreement filed of record for Lot 2 regarding a long private water service. This is to ensure the current and future owners understand the requirements for services and what their responsibilities are for development.

CONCLUSION: Staff forwards this request for rezoning to SPUD, Simple Planned Unit Development, and Ordinance No. O-2324-4 for consideration by the Planning Commission and recommendation to City Council.

File Attachments for Item:

4. SUBMISSION AND ACKNOWLEDGEMENT OF RECEIPT OF OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY CONSTRUCTION PERMIT SL000014230137 FOR SEWER LINE CONSTRUCTION FOR THE LIFT STATION D FORCE MAIN REPLACEMENT PROJECT PHASE 2 (WW0091).



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 08/08/2023

REQUESTER: Nathan Madenwald, Utilities Engineer

PRESENTER: Nathan Madenwald, Utilities Engineer

ITEM TITLE: SUBMISSION AND ACKNOWLEDGEMENT OF RECEIPT OF OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY CONSTRUCTION PERMIT SL000014230137 FOR SEWER LINE CONSTRUCTION FOR THE LIFT STATION D FORCE MAIN REPLACEMENT PROJECT PHASE 2 (WW0091).

BACKGROUND:

The City of Norman wastewater collection has numerous sub-basins but is composed of two major sewersheds due to the ridge along the north side of the City with gravity flows to either the Canadian River or the Little River. Gravity flows for the Canadian River sewershed are conveyed by sewer interceptors to the Water Reclamation Facility (WRF). Flows from the Little River sewershed are conveyed by interceptors to Lift Station D which pumps flow into a pressurized sewer line (force main) and drains into adequately sized interceptors at Robinson Street and 12th Avenue NE which then flow south to the WRF.

The Lift Station D force main has experienced numerous breaks in the past. Contract K-0809-65, Phase I, replaced approximately 3,500 feet of the force main in 2009 along 12th Avenue NE between Rock Creek Road and Tecumseh Road. Following this replacement, additional breaks on the force main occurred between Rock Creek Road and the discharge point approximately 1/2 mile north of Robinson Street.

On October 11, 2016, the Norman Utilities Authority approved Contract K-1617-66 with Professional Engineering Consultants, P.A. (PEC) in the amount of \$55,800 for design of the force main replacement between Rock Creek Road and Robinson Street. The project was left at standstill for a period of time based on the property ownership status of the Sutton Wilderness area. However, after determining that this would not affect the project alignment, a preliminary alignment was developed along the west side of 12th Avenue NE. This alignment, after a more detailed review, is not constructible due to various utility conflicts. Staff and the engineer have evaluated the east side of the street and have determined that constructible corridor exists. On April 12, 2022, Amendment No. 1 to Contract K-1617-66 in the amount of \$17,000 was approved to redesign the force main to be on the east side of the street. Construction contract K-2223-63 was awarded to Southwest Water Works on May 23, 2023, in the amount of \$935,000 for completion of the work.

DISCUSSION:

As part of the project requirements and per State regulations, a construction permit from the Oklahoma Department of Environmental Quality (ODEQ) is required. The plans and specifications for the project were submitted to the ODEQ on February 17, 2023, and the plans and specifications were approved and

the permits were issued on March 21, 2023. As noted on the attached permit, the ODEQ requires the permit receipt to be made a matter of permanent record in the City Council's minutes.

RECOMMENDATION:

Staff recommends that the receipt of ODEQ Permit No. SL000014230137, dated March 21, 2023, be noted and made a matter of permanent record in the minutes for the City Council/Norman Utilities Authority.

March 21, 2023

Mr. Nathan Madenwald, Capital Projects Engineer
Norman Utilities Authority
201-C West Gray St.
Norman, Oklahoma 73169

Re: Permit No. SL000014230137
Lift Station Force Main Replacement - Phase 2
Facility No. S-20616

Dear Mr. Madenwald:

Enclosed is Permit No. SL000014230137 for the construction of 2,670 linear feet of twenty (20) inch PVC sanitary sewer force main and all appurtenances to serve the Lift Station Force Main Replacement - Phase 2, Cleveland County, Oklahoma.

The project authorized by this permit should be constructed in accordance with the plans approved by this Department on March 21, 2023. Any deviations from the approved plans and specifications affecting capacity, flow or operation of units must be approved, in writing, by the Department before changes are made.

Receipt of this permit should be noted in the minutes of the next regular meeting of the Norman Utilities Authority, after which it should be made a matter of permanent record.

We are returning one (1) set of the approved plans to you, one (1) set to your engineer and retaining one (1) set for our files.

Respectfully,



D. Adam Divine, P.E.
Construction Permit Section
Water Quality Division

AD/RC/md

Enclosure

c: Zachary McIntosh, Regional Manager, DEQ
OKLAHOMA CITY DEQ OFFICE
Chad Grisier, P.E., Professional Engineering Consultants

PERMIT No. SL000014230137

SEWER LINES

FACILITY No. S-20616

PERMIT TO CONSTRUCT

March 21, 2023

Pursuant to O.S. 27A 2-6-304, the Norman Utilities Authority is hereby granted this Tier I Permit to construct 2,670 linear feet of twenty (20) inch PVC sanitary sewer force main and all appurtenances to serve the Lift Station Force Main Replacement - Phase 2, located in NE 1/4 of Section 21, T-9-N, R-2-W, Cleveland County, Oklahoma, in accordance with the plans approved March 21, 2023.

By acceptance of this permit, the permittee agrees to operate and maintain the facilities in accordance with the "Oklahoma Pollutant Discharge Elimination System Standards - OPDES" (OAC 252:606) rules and to comply with the state certification laws, Title 59, Section 1101-1116 O.S. and the rules and regulations adopted thereunder regarding the requirements for certified operators.

This permit is issued subject to the following provisions and conditions.

- 1) That the recipient of the permit is responsible that the project receives supervision and inspection by competent and qualified personnel.
- 2) That construction of all phases of the project will be started within one year of the date of approval or the phases not under construction will be resubmitted for approval as a new project.
- 3) That no significant information necessary for a proper evaluation of the project has been omitted or no invalid information has been presented in applying for the permit.
- 4) That wherever water and sewer lines are constructed with spacing of 10 feet or less, sanitary protection will be provided in accordance with OAC 252:656-5-4(c)(3) of the standards for Water Pollution Control Facility Construction.
- 5) That tests will be conducted as necessary to ensure that the construction of the sewer lines will prevent excessive infiltration and that the leakage will not exceed 10 gallons per inch of pipe diameter per mile per day.
- 6) That the Oklahoma Department of Environmental Quality shall be kept informed of occurrences which may affect the eventual performance of the works or that will unduly delay the progress of the project.
- 7) That the permittee will take steps to assure that the connection of house services to the sewers is done in such a manner that the functioning of the sewers will not be impaired and that earth and ground water will be excluded from the sewers when the connection is completed.
- 8) That any deviations from approved plans or specifications affecting capacity, flow or operation of units must be approved by the Department before any such deviations are made in the construction of this project.

PERMIT No. SL000014230137

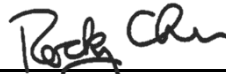
SEWER LINES

FACILITY No. S-20616

PERMIT TO CONSTRUCT

- 9) That any notations or changes recorded on the official set of plans and specifications in the Oklahoma Department of Environmental Quality files shall be part of the plans as approved.
- 10) That the recipient of the permit is responsible for the continued operation and maintenance of these facilities in accordance with rules and regulations adopted by the Environmental Quality Board, and that this Department will be notified in writing of any sale or transfer of ownership of these facilities.
- 11) The issuance of this permit does not relieve the responsible parties of any obligations or liabilities which the permittee may be under pursuant to prior enforcement action taken by the Department.
- 12) That the permittee is required to inform the developer/builder that a DEQ Storm Water Construction Permit is required for a construction site that will disturb one (1) acre or more in accordance with OPDES, 27A O.S. 2-6-201 *et. seq.* For information or a copy of the GENERAL PERMIT (OKR10) FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES, Notice of Intent (NOI) form, Notice of Termination (NOT) form, or guidance on preparation of a Pollution Prevention Plan, contact the Storm Water Unit of the Water Quality Division at P.O. Box 1677, Oklahoma City, OK 73101-1677 or by phone at (405) 702-8100.
- 13) That all manholes shall be constructed in accordance with the standards for Water Pollution Control Facility Construction (OAC 252:656-5-3), as adopted by the Oklahoma Department of Environmental Quality.
- 14) That when it is impossible to obtain proper horizontal and vertical separation as stipulated in Water Pollution Control Facility Construction OAC 252:656-5-4(c)(1) and OAC 252:656-5-4(c)(2), respectively, the sewer shall be designed and constructed equal to water pipe, and shall be pressure tested using the ASTM air test procedure with no detectable leakage prior to backfilling, in accordance with the standards for Water Pollution Control Facility Construction OAC 252:656-5-4(c)(3).

Failure to appeal the conditions of this permit in writing within 30 days from the date of issue will constitute acceptance of the permit and all conditions and provisions.



Rocky Chen, P.E., Engineering Manager, Construction Permit Section
Water Quality Division

AD

File Attachments for Item:

5. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AND/OR POSTPONEMENT OF RATIFICATION OF THE DECLARATION OF AN EMERGENCY TO REMEDIATE THE FIRE TRAINING FACILITY PROPERTY AT 2207 GODDARD AVENUE BY AND AUTHORIZE PAYMENT TO CAVINS CONSTRUCTION GROUP IN THE AMOUNT OF \$210,081.08 AND BUDGET APPROPRIATION FROM THE RISK MANAGEMENT FUND BALANCE AS OUTLINED IN THE STAFF REPORT.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 08/08/2023

REQUESTER: Wade Thompson, Park and Facility Manager

PRESENTER: Jason Olsen, Parks and Recreation Director

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AND/OR POSTPONEMENT OF RATIFICATION OF THE DECLARATION OF AN EMERGENCY TO REMEDIATE THE FIRE TRAINING FACILITY PROPERTY AT 2207 GODDARD AVENUE BY AND AUTHORIZE PAYMENT TO CAVINS CONSTRUCTION GROUP IN THE AMOUNT OF \$210,081.08 AND BUDGET APPROPRIATION FROM THE RISK MANAGEMENT FUND BALANCE AS OUTLINED IN THE STAFF REPORT.

BACKGROUND:

On Thursday, April 27, 2023, the Fire Training Chief reported a wet ceiling tile at the Fire Training Center, co-located with Fire Station 7, at 2207 Goddard Avenue. The City of Norman Facility Maintenance requested a third-party contractor to inspect the roof, at the facility, to ascertain the cause of the wet ceiling tiles. During the facility's interior inspection, mold was visible on the ceiling tile.

DISCUSSION:

With mold being visually present at the Fire Training Center in the training area and the Training Chiefs' office, the request for immediate testing by Cavins Group was approved by City Staff. The initial scope of work included air testing and sample testing of the areas with visual mold present. Upon receiving lab results from the tests, mold presence was confirmed by Cavins Group's third-party testing lab. Still, the air quality tests determined no airborne presence, not producing a human health concern. Nevertheless, an immediate remediation project was approved to prevent the progression of the potential hazard and further infestation.

The initial visual inspection was that the mold presence was limited to a few areas where leaks had gone unreported. As the contractor removed and mitigated the mold in the visually noticed areas, the continuous testing revealed a much larger scope of work as drywall was removed from the walls, revealing water penetrating areas of the exterior wall that staff from the Fire Department of Facility Maintenance were unaware of.

The remediation was an extensive operation, including partitioning off the remediation area, removing and cleaning all contents within the fire training building, removing the bottom 3 feet

of drywall throughout the office and classroom, treating the area, resealing areas of water intrusion, roof repairs, a complete HVAC system cleaning and extensive air scrubbing. Testing was then performed, and third-party certified a clean, mold-free facility ready for build-back, reassembly, and return of area contents that had been removed, taken off-site for cleaning and storage until the facility was ready and built back.

It is recommended that funds be appropriated to cover these expenses from the Risk Management Fund Balance (Account 43-29000) to the Risk Management Fund, Miscellaneous Services – Uninsured Losses (Account 43330104-4479).

RECOMMENDATION 1:

It is recommended that The City of Norman approve payment with Cavins Group, in the amount of \$210,081.08, for mold remediation and build-back repairs at the Fire Training Center located at 2207 Goddard Avenue.

RECOMMENDATION 2:

It is recommended that \$210,081.08 be appropriated from Risk Management Fund Balance (Account 43-29000) to the Risk Management Fund, Miscellaneous Services – Uninsured Losses (Account 43330104-4479).



1839 Atchison Drive
 Norman, OK 73069
 Phone: 405 573-3048, Fax: 405 579-4964

DATE: July 14, 2023
INVOICE #: 23-AH634

LIC #80000972

Bill To:
 City of Norman - Fire Training Center
 2207 Goddard Ave
 Norman, OK 73069

| DESCRIPTION | AMOUNT |
|-------------------------------------------------------------------------------------|-----------|
| *Verbal approval from Nate McNeely to work after hours due to timeline constraints. | |
| Monday 5/1/23: | |
| - Lead Mold Investigator: 1 hour x \$130.00/hr | \$ 130.00 |
| - Assistant Mold Investigator: 1 hour x \$99.00/hr | \$ 99.00 |
| - Assistant Water Intrusion Investigator: 1 hour x \$99.00/hr | \$ 99.00 |
| - Testing: base (2 samples) | \$ 500.00 |
| - Additional samples: 3 x \$85.00/sample | \$ 255.00 |
| - Expedited results: 5 samples x \$75.00/sample | \$ 375.00 |
| Materials: N95 masks, gloves | \$ 3.20 |
| Tuesday 5/2/23: | |
| - Administrative: 1.5 hours x \$95.00/hr | \$ 142.50 |
| Friday 5/5/23: | |
| - Project Manager: 3.25 hours x \$130.00/hr | \$ 422.50 |
| - Lead Remediation Tech: 8 hours x \$120.00/hr | \$ 960.00 |
| - Remediation Tech #1: 7.75 hours x \$110.00/hr | \$ 852.50 |
| - Remediation Tech #2: 7 hours x \$110.00/hr | \$ 770.00 |
| - Logistics/procurement: 6.25 hours x \$99.00/hr | \$ 618.75 |
| - Administrative: 2.75 hours x \$95.00/hr | \$ 261.25 |
| Dumpster | \$ 550.00 |
| Materials: | \$ 992.04 |
| - (4) duct collars, 10x10 furnace wye, HVAC 90 degree elbows, foil tape, duct | |

strap, lay flat ducting, nails, screws, wire mesh, 6 mil plastic, N95 masks, duct tape,

green tape, tyvek suits, double-sided tape, red tape, zippers, trash bags

Equipment:

| | | |
|--------------------------------|----|--------|
| - Air scrubbers: 4 x \$120/day | \$ | 480.00 |
| - Zip posts: 1 x \$5.00/day | \$ | 5.00 |

Saturday 5/6/23:

| | | |
|--------------------------------|----|--------|
| - Air scrubbers: 4 x \$120/day | \$ | 480.00 |
| - Zip posts: 1 x \$5.00/day | \$ | 5.00 |

Sunday 5/7/23:

| | | |
|--------------------------------|----|--------|
| - Air scrubbers: 4 x \$120/day | \$ | 480.00 |
| - Zip posts: 1 x \$5.00/day | \$ | 5.00 |

Monday 5/8/23:

| | | |
|----------------------------------------------------------------|----|--------|
| - Project Manager/Testing: 5.25 x \$130.00/hr | \$ | 682.50 |
| - Testing: base (2 samples) | \$ | 500.00 |
| - Additional samples: 3 x \$85.00/sample | \$ | 255.00 |
| - Expedited results: 5 samples x \$75.00/sample | \$ | 375.00 |
| - Lead Remediation Tech: 8 hours x \$120.00/hr | \$ | 960.00 |
| - Lead Remediation Tech: 1.5 hours x \$215.00/hr (after hours) | \$ | 322.50 |
| - Remediation Tech #1: 8 hours x \$110.00/hr | \$ | 880.00 |
| - Remediation Tech #1: 2.5 hours x \$200.00/hr (after hours) | \$ | 500.00 |
| - Remediation Tech #2: 8 hours x \$110.00/hr | \$ | 880.00 |
| - Remediation Tech #2: .25 x \$200.00/hr (after hours) | \$ | 50.00 |
| - Logistics/procurement: 3 hours x \$99.00/hr | \$ | 297.00 |
| - HEPA vac usage: 1 hour x \$57.00/hr | \$ | 57.00 |

Equipment:

| | | |
|--------------------------------------|----|--------|
| - Air scrubbers: 6 x \$120.00/day | \$ | 720.00 |
| - Zip posts: 1 x \$5.00/day | \$ | 5.00 |
| - Air duct cleaning machine: per day | \$ | 300.00 |
| - Antimicrobial treatment: 4 vents | \$ | 76.00 |

Materials:

- Zip ties, sandpaper, painters plastic, air scrubber pre filters (stage 1 & 2), tyvek suits, mask gaskets, hard case respirators cartridges, gator guard floor protection, blue tape, duct tape, antimicrobial wipes, gloves, latex coated gloves, trash bags, double sided tape,

| | |
|----|----------|
| \$ | 480.00 |
| \$ | 5.00 |
| \$ | 480.00 |
| \$ | 5.00 |
| \$ | 480.00 |
| \$ | 5.00 |
| \$ | 682.50 |
| \$ | 500.00 |
| \$ | 255.00 |
| \$ | 375.00 |
| \$ | 960.00 |
| \$ | 322.50 |
| \$ | 880.00 |
| \$ | 500.00 |
| \$ | 880.00 |
| \$ | 50.00 |
| \$ | 297.00 |
| \$ | 57.00 |
| \$ | 720.00 |
| \$ | 5.00 |
| \$ | 300.00 |
| \$ | 76.00 |
| \$ | 1,035.38 |

ziplock bags, multi tool blades, sticky walk off mats, antimicrobial (liquid), rags

Tuesday 5/9/23:

| | | |
|---------------------------------------------------------------|----|--------|
| - Project Manager: 2.75 x \$130.00/hr | \$ | 357.50 |
| - Lead Remediation Tech: 8 hours x \$120.00/hr | \$ | 960.00 |
| - Lead Remediation Tech: 4 hours x \$215.00/hr (after hours) | \$ | 860.00 |
| - Remediation Tech #1: 8 hours x \$110.00/hr | \$ | 880.00 |
| - Remediation Tech #1: 2.75 hours x \$200.00/hr (after hours) | \$ | 550.00 |
| - Logistics/procurement: 1 hour x \$99.00/hr | \$ | 99.00 |

Equipment:

| | | |
|---------------------------------------------|----|--------|
| - Air scrubbers: 6 x \$120.00/day | \$ | 720.00 |
| - Zip posts: 4 x \$5.00/day | \$ | 20.00 |
| - HEPA vac usage: 2 hour x \$57.00/hr | \$ | 114.00 |
| - Antimicrobial treatment: 10 vents/returns | \$ | 190.00 |
| - Dehumidifier: per day | \$ | 115.00 |
| - Air duct cleaning machine: per day | \$ | 300.00 |
| Materials: | \$ | 162.25 |

- ceiling tiles, tyvek suits, air scrubber filters

Wednesday 5/10/23:

| | | |
|---------------------------------------------------------------|----|--------|
| - Lead Mold Investigation/Testing tech: 3 hours x \$130.00/hr | \$ | 390.00 |
| - Base: 2 samples | \$ | 500.00 |
| - Additional sample | \$ | 85.00 |
| - Expedited testing: 3 samples x \$75.00/sample | \$ | 225.00 |
| - Logistics/procurement: 2.5 hours x \$99.00/hr | \$ | 247.50 |
| - Lead Remediation Tech: 8 hours x \$120.00/hr | \$ | 960.00 |
| - Lead Remediation Tech: 2 hours x \$215.00/hr (after hours) | \$ | 430.00 |
| - Remediation Tech #1: 8 hours x \$110.00/hr | \$ | 880.00 |
| - Remediation Tech #1: 1.25 hours x \$200.00/hr (after hours) | \$ | 250.00 |
| - Remediation Tech #2: 4.5 hours x \$110.00/hr | \$ | 495.00 |
| - Remediation Tech #3: 3.25 hours x \$110.00/hr | \$ | 357.50 |

Equipment:

| | | |
|------------------------------------------|----|--------|
| - Air scrubbers: 6 x \$120.00/day | \$ | 720.00 |
| - Extension cords: (3) 25', (2) 50' | \$ | 35.00 |
| - Zip posts: 4 x \$5.00/day | \$ | 20.00 |
| - HEPA vac usage: 3.75 hour x \$57.00/hr | \$ | 213.75 |

| | | Item 5. |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|---------|
| - Antimicrobial treatment: 4 vents | \$ | 76. |
| - Dehumidifier: per day | \$ | 115.00 |
| - Air duct cleaning machine: per day | \$ | 300.00 |
| Materials: | \$ | 999.32 |
| - 2 cartons ceiling tiles, air scrubber prefilters, trash bags, 6 mil plastic, tyvek suits, painters tape, antimicrobial wipes, HEPA vac bags, respirator cartridge, liquid antimicrobial, gloves | | |
| Thursday 5/11/23: | | |
| - Lead Remediation Tech: 7.5 hours x \$120.00/hr | \$ | 900.00 |
| - Remediation Tech #1: 8 hours x \$110.00/hr | \$ | 880.00 |
| - Remediation Tech #1: 2 hours x \$200.00/hr (after hours) | \$ | 400.00 |
| - Remediation Tech #2: 1.75 hours x \$110.00/hr | \$ | 192.50 |
| - Logistics/procurement: 3 hours x \$99.00/hr | \$ | 297.00 |
| Equipment: | | |
| - Air scrubbers: 6 x \$120.00/day | \$ | 720.00 |
| - Zip posts: 4 x \$5.00/day | \$ | 20.00 |
| - Dehumidifier: per day | \$ | 115.00 |
| Friday 5/12/23: | | |
| - Lead Remediation Tech: 8.5 hours x \$120.00/hr | \$ | 960.00 |
| - Lead Remediation Tech: .75 hours x \$215.00/hr (after hours) | \$ | 161.25 |
| - Remediation Tech #1: 7 hours x \$110.00/hr | \$ | 770.00 |
| Equipment: | | |
| - Air scrubbers: 6 x \$120.00/day | \$ | 720.00 |
| - Zip posts: 4 x \$5.00/day | \$ | 20.00 |
| - Dehumidifier: 2 x \$115.00/per day | \$ | 230.00 |
| - HEPA vac usage: .5 hours x \$57.00/hr | \$ | 28.50 |
| Materials: | \$ | 126.58 |
| - Air scrubber prefilters, tyvek suits | | |
| Saturday 5/13/23: (after hours) | | |
| - Lead Remediation Tech: 2 hours x \$215.00/hr | \$ | 430.00 |
| Equipment: | | |
| - Air scrubbers: 6 x \$120.00/day | \$ | 720.00 |
| - Zip posts: 4 x \$5.00/day | \$ | 20.00 |

| | | Item 5. |
|----------------------------------------------------------------|----|---------|
| - Dehumidifier: 2 x \$115.00/per day | \$ | 230.00 |
| Materials: | \$ | 293.84 |
| - Air scrubber prefilters, tyvek suits, polyhangers, foil tape | | |
| Sunday 5/14/23: (after hours) | | |
| - Lead Remediation Tech: 1.5 hours x \$215.00/hr | \$ | 322.50 |
| Equipment: | | |
| - Air scrubbers: 6 x \$120.00/day | \$ | 720.00 |
| - Zip posts: 4 x \$5.00/day | \$ | 20.00 |
| - Dehumidifier: 2 x \$115.00/per day | \$ | 230.00 |
| Monday 5/15/23: | | |
| - Lead Remediation Tech: 1.75 hours x \$120.00/hr | \$ | 210.00 |
| - Remediation Tech: 7.75 hours x \$110.00/hr | \$ | 852.50 |
| Equipment: | | |
| - Air scrubbers: 6 x \$120.00/day | \$ | 720.00 |
| - Zip posts: 4 x \$5.00/day | \$ | 20.00 |
| - Dehumidifier: 2 x \$115.00/per day | \$ | 230.00 |
| Materials: | | |
| - Tyvek suits, air scrubber filters, duct tape | \$ | 177.22 |
| Tuesday 5/16/23: | | |
| - Lead Remediation Tech: 5 hours x \$120.00/hr | \$ | 600.00 |
| Equipment: | | |
| - Air scrubbers: 6 x \$120.00/day | \$ | 720.00 |
| - Zip posts: 4 x \$5.00/day | \$ | 20.00 |
| - Dehumidifier: 2 x \$115.00/per day | \$ | 230.00 |
| Materials: | | |
| - Tyvek suits, respirator cartridge, antimicrobial wipes | \$ | 92.80 |
| Wednesday 5/17/23: | | |
| - Lead Remediation Tech: 8 hours x \$120.00/hr | \$ | 960.00 |
| - Lead Remediation Tech: 1.5 hours x \$215.00/hr (after hours) | \$ | 322.50 |
| - Remediation Tech #1: 8 hours x \$110.00/hr | \$ | 880.00 |
| - Remediation Tech #1: 1 hours x \$200.00/hr (after hours) | \$ | 200.00 |
| - Remediation Tech #2: 5.25 hours x \$110.00/hr | \$ | 577.50 |

| | | Item 5. |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|---------|
| - Remediation Tech #3: 3.75 hours x \$110.00/hr | \$ | 412.50 |
| Equipment: | | |
| - Air scrubbers: 6 x \$120.00/day | \$ | 720.00 |
| - Zip posts: 4 x \$5.00/day | \$ | 20.00 |
| - Dehumidifier: 2 x \$115.00/per day | \$ | 230.00 |
| - HEPA vac usage: 1 hour x \$57.00/hr | \$ | 57.00 |
| - Extension cords: (2) 25', (1) 50' | \$ | 20.00 |
| Materials: | \$ | 523.01 |
| - Tyvek suits, air scrubber filters, respirator mask, respirator cartridges, nitrile gloves, trash bags, duct tape, shop vacuum dust bags, HEPA vacuum filter bags, wood sanding blocks, shoe handle wire brush, sandpaper pack, steel wool | | |
| Thursday 5/18/23: | | |
| - Lead Remediation Tech: 8 hours x \$120.00/hr | \$ | 960.00 |
| - Lead Remediation Tech: .75 hours x \$215.00/hr (after hours) | \$ | 161.25 |
| - Remediation Tech #1: 8 hours x \$110.00/hr | \$ | 880.00 |
| - Remediation Tech #1: 1.5 hours x \$200.00/hr (after hours) | \$ | 300.00 |
| - Remediation Tech #2: 8 hours x \$110.00/hr | \$ | 880.00 |
| - Remediation Tech #2: 1 hours x \$200.00/hr (after hours) | \$ | 200.00 |
| - Remediation Tech #3: 5.5 hours x \$110.00/hr | \$ | 605.00 |
| - Remediation Tech #4: 3.75 hours x \$110.00/hr | \$ | 412.50 |
| Equipment: | | |
| - Air scrubbers: 6 x \$120.00/day | \$ | 720.00 |
| - Zip posts: 4 x \$5.00/day | \$ | 20.00 |
| - Dehumidifier: 2 x \$115.00/per day | \$ | 230.00 |
| - HEPA vac usage: 1 hour x \$57.00/hr | \$ | 57.00 |
| Materials: | \$ | 492.07 |
| - Tyvek suits, air scrubber filters, respirator cartridges, nitrile gloves, duct tape, double sided duct tape, 6 mil plastic, antimicrobial wipes | | |
| Friday 5/19/23: | | |
| - Lead Remediation Tech: 8 hours x \$120.00/hr | \$ | 960.00 |
| - Lead Remediation Tech: 1.75 hours x \$215.00/hr (after hours) | \$ | 376.25 |
| - Remediation Tech #1: 8 hours x \$110.00/hr | \$ | 880.00 |
| - Remediation Tech #1: 1.25 hours x \$200.00/hr (after hours) | \$ | 250.00 |
| - Remediation Tech #2: 6 hours x \$110.00/hr | \$ | 660.00 |

| | | Item 5. |
|-----------------------------------------------------------------------|----|---------|
| - Remediation Tech #3: 3.75 hours x \$110.00/hr | \$ | 412.50 |
| - Remediation Tech #4: 3.5 hours x \$110.00/hr | \$ | 385.00 |
| Equipment: | | |
| - Air scrubbers: 6 x \$120.00/day | \$ | 720.00 |
| - Zip posts: 4 x \$5.00/day | \$ | 20.00 |
| - Dehumidifier: 2 x \$115.00/per day | \$ | 230.00 |
| - HEPA vac usage: 1.25 hour x \$57.00/hr | \$ | 71.25 |
| Materials: | \$ | 206.56 |
| Tyvek suits, air scrubber filters, respirator cartridges, Ziploc bags | | |
| Saturday 5/20/23: (after hours) | | |
| - Lead Remediation Tech: 1.25 hours x \$215.00/hr | \$ | 268.75 |
| Equipment: | | |
| - Air scrubbers: 6 x \$120.00/day | \$ | 720.00 |
| - Zip posts: 4 x \$5.00/day | \$ | 20.00 |
| - Dehumidifier: 2 x \$115.00/per day | \$ | 230.00 |
| Materials: | \$ | 100.88 |
| Tyvek suits, air scrubber filters | | |
| Sunday 5/21/23: (after hours) | | |
| - Lead Remediation Tech: 1.25 hours x \$215.00/hr | \$ | 268.75 |
| Equipment: | | |
| - Air scrubbers: 6 x \$120.00/day | \$ | 720.00 |
| - Zip posts: 4 x \$5.00/day | \$ | 20.00 |
| - Dehumidifier: 2 x \$115.00/per day | \$ | 230.00 |
| Materials: | \$ | 100.88 |
| Tyvek suits, air scrubber filters | | |
| Monday 5/22/23: | | |
| - Project Manager: 1 hour x \$130.00/hr | \$ | 130.00 |
| - Lead Remediation Tech: 8 hours x \$120.00/hr | \$ | 960.00 |
| - Lead Remediation Tech: 1.75 hours x \$215.00/hr (after hours) | \$ | 376.25 |
| - Remediation Tech #1: 8 hours x \$110.00/hr | \$ | 880.00 |
| - Remediation Tech #1: 3.75 hours x \$200.00/hr (after hours) | \$ | 750.00 |
| - Remediation Tech #2: 8 hours x \$110.00/hr | \$ | 880.00 |
| - Remediation Tech #2: 2.25 hours x \$200.00/hr (after hours) | \$ | 450.00 |

| | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|----|--------|
| - Remediation Tech #3: 8 hours x \$110.00/hr | \$ | 880.00 |
| - Remediation Tech #3: 2 hours x \$200.00/hr (after hours) | \$ | 400.00 |
| - Remediation Tech #4: 4 hours x \$110.00/hr | \$ | 440.00 |
| - Logistics/procurement: 1 hour x \$99.00/hr | \$ | 99.00 |
| Equipment: | | |
| - Air scrubbers: 6 x \$120.00/day | \$ | 720.00 |
| - Zip posts: 4 x \$5.00/day | \$ | 20.00 |
| - Dehumidifier: 2 x \$115.00/per day | \$ | 230.00 |
| - HEPA vac usage: 7.5 hours x \$57.00/hr | \$ | 427.50 |
| Materials: | \$ | 836.49 |
| Tyvek suits, air scrubber filters, respirator mask, respirator cartridges, walk off mats, antimicrobial, duct tape, double sided tape, zippers, 6 mil plastic | | |
| Tuesday 5/23/23: | | |
| - Project Manager: 1 hour x \$130.00/hr | \$ | 130.00 |
| - Lead Remediation Tech: 8 hours x \$120.00/hr | \$ | 960.00 |
| - Lead Remediation Tech: 1.75 hours x \$215.00/hr (after hours) | \$ | 376.25 |
| - Remediation Tech #1: 8 hours x \$110.00/hr | \$ | 880.00 |
| - Remediation Tech #1: 4 hours x \$200.00/hr (after hours) | \$ | 800.00 |
| - Remediation Tech #2: 8 hours x \$110.00/hr | \$ | 880.00 |
| - Remediation Tech #2: 3.5 hours x \$200.00/hr (after hours) | \$ | 700.00 |
| - Remediation Tech #3: 8 hours x \$110.00/hr | \$ | 880.00 |
| - Remediation Tech #3: 2.75 hours x \$200.00/hr (after hours) | \$ | 550.00 |
| - Remediation Tech #4: 4 hours x \$110.00/hr | \$ | 440.00 |
| Equipment: | | |
| - Air scrubbers: 8 x \$120.00/day | \$ | 960.00 |
| - Zip posts: 12 x \$5.00/day | \$ | 60.00 |
| - Dehumidifier: 2 x \$115.00/per day | \$ | 230.00 |
| - HEPA vac usage: 6.5 hours x \$57.00/hr | \$ | 370.00 |
| Materials: | \$ | 465.49 |
| Tyvek suits, air scrubber filters, antimicrobial, HEPA vacuum filter bags, respirator filters, duct tape, trash bags, SharkBite caps | | |
| Wednesday 5/24/23: | | |
| - Project Manager: 1 hour x \$130.00/hr | \$ | 130.00 |
| - Lead Remediation Tech: 8 hours x \$120.00/hr | \$ | 960.00 |

| | | |
|--------------------------------------------------------------------|----|--------|
| - Lead Remediation Tech: 2.5 hours x \$215.00/hr (after hours) | \$ | 537.50 |
| - Remediation Tech #1: 8 hours x \$110.00/hr | \$ | 880.00 |
| - Remediation Tech #1: 3.75 hours x \$200.00/hr (after hours) | \$ | 750.00 |
| - Remediation Tech #2: 8 hours x \$110.00/hr | \$ | 880.00 |
| - Remediation Tech #2: 3.75 hours x \$200.00/hr (after hours) | \$ | 750.00 |
| - Remediation Tech #3: 8 hours x \$110.00/hr | \$ | 880.00 |
| - Remediation Tech #3: 3 hours x \$200.00/hr (after hours) | \$ | 600.00 |
| - Remediation Tech #4: 3.25 hours x \$110.00/hr | \$ | 357.50 |
| - Logistics/procurement: 1 hour x \$99.00/hr | \$ | 99.00 |
| Equipment: | | |
| - Air scrubbers: 8 x \$120.00/day | \$ | 960.00 |
| - Zip posts: 12 x \$5.00/day | \$ | 60.00 |
| - Dehumidifier: 2 x \$115.00/per day | \$ | 230.00 |
| - HEPA vac usage: 8.75 hours x \$57.00/hr | \$ | 498.75 |
| - Extension cords: (3) 25', (1) 50' | \$ | 25.00 |
| Materials: | \$ | 404.72 |
| Tyvek suits, air scrubber filters, nitrile gloves, antimicrobial | | |
| Thursday 5/25/23: | | |
| - Lead Remediation Tech: 8 hours x \$120.00/hr | \$ | 960.00 |
| - Lead Remediation Tech: 3 hours x \$215.00/hr (after hours) | \$ | 645.00 |
| - Remediation Tech #1: 8 hours x \$110.00/hr | \$ | 880.00 |
| - Remediation Tech #1: 3.5 hours x \$200.00/hr (after hours) | \$ | 700.00 |
| - Remediation Tech #2: 8 hours x \$110.00/hr | \$ | 880.00 |
| - Remediation Tech #2: 3.5 hours x \$200.00/hr (after hours) | \$ | 700.00 |
| - Remediation Tech #3: 8 hours x \$110.00/hr | \$ | 880.00 |
| - Remediation Tech #3: 2.25 hours x \$200.00/hr (after hours) | \$ | 450.00 |
| Equipment: | | |
| - Air scrubbers: 8 x \$120.00/day | \$ | 960.00 |
| - Zip posts: 12 x \$5.00/day | \$ | 60.00 |
| - Dehumidifier: 2 x \$115.00/per day | \$ | 230.00 |
| - HEPA vac usage: 1 hours x \$57.00/hr | \$ | 57.00 |
| - Air duct cleaning machine: \$300.00/day | \$ | 300.00 |
| Materials: | \$ | 415.51 |
| Tyvek suits, air scrubber filters, respirator mask, nitrile gloves | | |

Friday 5/26/23:

| | | |
|---------------------------------------------------------------|----|--------|
| - Lead Remediation Tech: 8 hours x \$120.00/hr | \$ | 960.00 |
| - Lead Remediation Tech: 3 hours x \$215.00/hr (after hours) | \$ | 645.00 |
| - Remediation Tech #1: 8 hours x \$110.00/hr | \$ | 880.00 |
| - Remediation Tech #1: 4 hours x \$200.00/hr (after hours) | \$ | 800.00 |
| - Remediation Tech #2: 8 hours x \$110.00/hr | \$ | 880.00 |
| - Remediation Tech #2: 3.75 hours x \$200.00/hr (after hours) | \$ | 750.00 |
| - Remediation Tech #3: 7.75 hours x \$110.00/hr | \$ | 852.50 |
| - Remediation Tech #4: 4.25 hours x \$110.00/hr | \$ | 467.50 |
| - Logistics/procurement: 1 hour x \$99.00/hr | \$ | 99.00 |

Equipment:

| | | |
|-------------------------------------------|----|--------|
| - Air scrubbers: 8 x \$120.00/day | \$ | 960.00 |
| - Zip posts: 10 x \$5.00/day | \$ | 50.00 |
| - Dehumidifier: 2 x \$115.00/per day | \$ | 230.00 |
| - HEPA vac usage: 10.5 hours x \$57.00/hr | \$ | 598.50 |
| - Air duct cleaning machine: \$300.00/day | \$ | 300.00 |

Materials:

Tyvek suits, air scrubber filters, duct tape, double sided tape, nitrile gloves, trash bags, respirator filters, rags, antimicrobial, cone with insulation

| | | |
|--|----|--------|
| | \$ | 904.60 |
|--|----|--------|

Saturday 5/27/23: (after hours)

| | | |
|-----------------------------------------------------------------|----|----------|
| - Lead Remediation Tech: 4.75 hours x \$215.00/hr (after hours) | \$ | 1,021.25 |
| - Remediation Tech #1: 9.25 hours x \$200.00/hr (after hours) | \$ | 1,850.00 |
| - Remediation Tech #2: 4.75 hours x \$200.00/hr (after hours) | \$ | 950.00 |
| - Remediation Tech #3: 4.5 hours x \$200.00/hr (after hours) | \$ | 900.00 |
| - Remediation Tech #4: 4 hours x \$200.00/hr (after hours) | \$ | 800.00 |
| - Remediation Tech #5: 1.5 hours x \$200.00/hr (after hours) | \$ | 300.00 |

Equipment:

| | | |
|------------------------------------------|----|--------|
| - Air scrubbers: 8 x \$120.00/day | \$ | 960.00 |
| - Zip posts: 10 x \$5.00/day | \$ | 50.00 |
| - Dehumidifier: 2 x \$115.00/per day | \$ | 230.00 |
| - HEPA vac usage: 1.5 hours x \$57.00/hr | \$ | 85.50 |

Sunday 5/28/23: (after hours)

| | | |
|--------------------------------------------------------------|----|--------|
| - Lead Remediation Tech: 1 hours x \$215.00/hr (after hours) | \$ | 215.00 |
|--------------------------------------------------------------|----|--------|

Equipment:

| | | Item 5. |
|---------------------------------------------------------------------------------------------------------------------------------|----|---------|
| - Air scrubbers: 8 x \$120.00/day | \$ | 960. |
| - Zip posts: 10 x \$5.00/day | \$ | 50.00 |
| - Dehumidifier: 2 x \$115.00/per day | \$ | 230.00 |
| Materials: 5/27/23 - 5/28/23 | \$ | 519.96 |
| Tyvek suits, air scrubber filters, trash bags, duct tape, antimicrobial, antimicrobial wipes, nitrile gloves, respirator filter | | |
| Monday 5/29/23: | | |
| - Lead Remediation Tech: 1 hours x \$120.00/hr | \$ | 120.00 |
| Equipment: | | |
| - Air scrubbers: 8 x \$120.00/day | \$ | 960.00 |
| - Zip posts: 10 x \$5.00/day | \$ | 50.00 |
| - Dehumidifier: 2 x \$115.00/per day | \$ | 230.00 |
| Materials: | \$ | 68.91 |
| Air scrubber filters | | |
| Tuesday 5/30/23: | | |
| - Project Manager: 1.5 hours x \$130.00/hr | \$ | 195.00 |
| - Testing Technician: 1 hour x \$130.00/hr | \$ | 130.00 |
| - Base testing: 2 samples | \$ | 500.00 |
| - Additional sample | \$ | 85.00 |
| - Expedited results: 3 x \$75.00/sample | \$ | 225.00 |
| - Lead Remediation Tech: 1 hour x \$120.00/hr | \$ | 120.00 |
| - Remediation Tech: 1 hour x \$110.00/hr | \$ | 110.00 |
| - Admin: 2.25 hours x \$95.00/hr | \$ | 213.75 |
| Equipment: | | |
| - Zip posts: 10 x \$5.00/day | \$ | 50.00 |
| Materials: | \$ | 45.68 |
| Tyvek suit, nitrile gloves, respirator cartridge | | |
| Wednesday 5/31/23: | | |
| - Lead Remediation Tech: 2.25 hour x \$120.00/hr | \$ | 270.00 |
| - Remediation Tech: 1.25 hour x \$110.00/hr | \$ | 137.50 |
| - Construction Tech #1: 4.75 hours x \$99.00/hr | \$ | 470.25 |
| - Construction Tech #2: 3.75 hours x \$99.00/hr | \$ | 371.25 |
| - Admin: 3.25 hours x \$95.00/hr | \$ | 308.75 |

| | | Item 5. |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|----------|
| - Logistics/procurement: 2.75 hours x \$99.00/hr | \$ | 272. |
| - Decontamination Fee: 1 hour x \$97.50/hr | \$ | 97.50 |
| Equipment: | | |
| - Air scrubbers: 2 x \$120.00/day | \$ | 240.00 |
| Materials: | \$ | 687.73 |
| Tyvek suit, zipper, double sided tape, duct tape, nitrile gloves, ceiling tile replacements | | |
| Thursday 6/1/23: | | |
| - Project Manager: 1.75 hours x \$130.00/hr | \$ | 227.50 |
| - Lead Remediation Tech: 8 hours x \$120.00/hr | \$ | 960.00 |
| - Lead Remediation Tech: 1.75 hours x \$215.00/hr (after hours) | \$ | 376.25 |
| - Remediation Tech #1: 5.5 hours x \$110.00/hr | \$ | 605.00 |
| - Remediation Tech #2: 5.5 hours x \$110.00/hr | \$ | 522.50 |
| - Logistics/procurement: 8.75 hours x \$99.00/hr | \$ | 866.25 |
| - Admin: 1 hour x \$95.00 | \$ | 95.00 |
| Equipment: | | |
| - HEPA vac usage: 1.25 hours x \$57.00/hr | \$ | 71.25 |
| - Air scrubbers: 2 x \$120.00/day | \$ | 240.00 |
| Materials: | \$ | 1,046.31 |
| Tyvek suits, air scrubber filters, respirator cartridge, trash bags, plastic, duct tape, double sided tape, drywall tape, antimicrobial, antimicrobial wipes, nitrile gloves, insulation, solar seal, caulking, wallboard, lacquer, | | |
| Friday 6/2/23: | | |
| - Project Manager: 1.5 hours x \$130.00/hr | \$ | 195.00 |
| - Lead Remediation Tech: 1.5 hour x \$120.00/hr | \$ | 180.00 |
| - Construction Tech #1: 8 hours x \$99.00/hr | \$ | 792.00 |
| - Construction Tech #1: 1.5 hours x \$175.00/hr | \$ | 262.50 |
| - Construction Tech #2: 7 hours x \$99.00/hr | \$ | 693.00 |
| - Construction Tech #3: 3 hours x \$99.00/hr | \$ | 297.00 |
| - Construction Tech #4: 2.25 hours x \$99.00/hr | \$ | 222.75 |
| Equipment: | | |
| - Air scrubbers: 2 x \$120.00/day | \$ | 240.00 |
| Materials: | \$ | 54.82 |
| Respirator filter, limestone sealant, plywood, staples, sink stopper | | |

| | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------|----|----------|
| Saturday 6/3/23: (after hours) | | |
| - Lead Remediation Tech: 1 hour x \$215.00/hr (after hours) | \$ | 215.00 |
| Equipment: | | |
| - Air scrubbers: 2 x \$120.00/day | \$ | 240.00 |
| Materials: | \$ | 14.34 |
| Tyvek suits | | |
| Monday 6/5/23: | | |
| - Project Manager: 1.25 hours x \$130.00/hr | \$ | 162.50 |
| - Testing Tech: 1 hour x \$130.00/hr | \$ | 130.00 |
| - Base testing: 2 samples | \$ | 500.00 |
| - Expedited results: 2 x \$75.00/sample | \$ | 150.00 |
| - Lead Remediation Tech: 1 hour x \$120.00/hr | \$ | 120.00 |
| - Construction Tech #1: 8 hours x \$99.00/hr | \$ | 792.00 |
| - Construction Tech #1: 2.25 hours x \$175.00/hr | \$ | 393.75 |
| - Logistics/procurement: 1 hour x \$99.00/hr | \$ | 99.00 |
| Materials: | \$ | 157.64 |
| Tyvek suit, nitrile gloves, respirator filter, weatherstripping, corner beading, white board, drywall tape, drywall knife blades, trash bags | | |
| Tuesday 6/6/23: | | |
| - Project manager: 1 hour x \$130.00/hr | \$ | 130.00 |
| - Logistics/procurement: 1.25 hours x \$99/hr | \$ | 123.75 |
| Materials: | \$ | 1,035.12 |
| Sealants, pack of orange tips, black mix kits, mud, sanding sponges, hawk | | |
| Wednesday 6/7/23: | | |
| - Construction Tech: 8 hours x \$99.00/hr | \$ | 792.00 |
| - Construction Tech: 2.5 hours x \$175.00/hr (after hours) | \$ | 437.50 |
| Materials: | \$ | 698.62 |
| Paint and sheetrock | | |
| Thursday 6/8/23: | | |
| - Project Manager: 1 hour x \$130.00/hr | \$ | 130.00 |
| - Construction Tech #1: 8 hours x \$99.00/hr | \$ | 792.00 |
| - Construction Tech #1: 2 hours x \$175.00/hr (after hours) | \$ | 350.00 |

| | | |
|-------------------------------------------------------------|----|--------|
| - Construction Tech #2: 5.75 hours x \$99.00/hr | \$ | 569. |
| - Construction Tech #3: 5.75 hours x \$99.00/hr | \$ | 569.25 |
| - Construction Tech #4: 5.75 hours x \$99.00/hr | \$ | 569.25 |
| - Construction Tech #5: 5.5 hours x \$99.00/hr | \$ | 544.50 |
| - Logistics/procurement: 4.5 hours x \$99.00/hr | \$ | 445.50 |
| - Admin: 5 hours x \$95.00/hr | \$ | 475.00 |
| Friday 6/9/23: | | |
| - Project Manager: 1 hour x \$130.00/hr | \$ | 130.00 |
| - Construction Tech: 5 hours x \$99.00/hr | \$ | 495.00 |
| Monday 6/12/23: | | |
| - Construction Tech #1: 8 hours x \$99.00/hr | \$ | 792.00 |
| - Construction Tech #1: 2 hours x \$175.00/hr (after hours) | \$ | 350.00 |
| Materials: | \$ | 13.65 |
| Mud | | |
| Tuesday 6/13/23: | | |
| - Project Manager: 1.5 hour x \$130.00/hr | \$ | 195.00 |
| - Construction Tech: 8 hours x \$99.00/hr | \$ | 792.00 |
| - Admin" 1.25 hours x \$95.00/hr | \$ | 118.75 |
| Wednesday 6/14/23: | | |
| - Project Manager: 1 hour x \$130.00/hr | \$ | 130.00 |
| - Construction Tech #1: 8 hours x \$99.00/hr | \$ | 792.00 |
| - Construction Tech #1: 2 hours x \$175.00/hr (after hours) | \$ | 350.00 |
| - Construction Tech #2: 2.5 hours x \$99.00/hr | \$ | 247.50 |
| - Construction Tech #3: 2.5 hours x \$99.00/hr | \$ | 247.50 |
| - Admin" 1.25 hours x \$95.00/hr | \$ | 118.75 |
| Materials: | \$ | 224.10 |
| Velvet rollers, primer, finish, weather sealing, | | |
| Thursday 6/15/23: | | |
| - Project Manager: 1 hour x \$130.00/hr | \$ | 130.00 |
| - Construction Tech #1: 3 hours x \$99.00/hr | \$ | 297.00 |
| - Construction Tech #2: 1.5 hours x \$99.00/hr | \$ | 148.50 |

Friday 6/16/23:

| | | |
|------------------------------------------------|----|--------|
| - Construction Tech #1: 1.5 hours x \$99.00/hr | \$ | 148.50 |
| - Construction Tech #2: 1 hour x \$99.00/hr | \$ | 99.00 |
| - Construction Tech #3: 1 hour x \$99.00/hr | \$ | 99.00 |
| - Construction Tech #4: 1 hour x \$99.00/hr | \$ | 99.00 |

Monday 6/19/23:

| | | |
|---------------------------------------------|----|--------|
| - Construction Tech: 4.5 hours x \$99.00/hr | \$ | 445.50 |
| - Admin: 1 hour x \$95.00/hr | \$ | 95.00 |

Materials:

| | | |
|--|----|--------|
| | \$ | 152.71 |
|--|----|--------|

Sealant

Tuesday 6/20/23:

| | | |
|------------------------------------------|----|-------|
| - Construction Tech: 1 hour x \$99.00/hr | \$ | 99.00 |
| - Admin: 1 hour x \$95.00/hr | \$ | 95.00 |

Wednesday 6/21/23:

| | | |
|----------------------------------------------|----|-------|
| - Logistics/procurement: 1 hour x \$99.00/hr | \$ | 99.00 |
| - Admin: 1 hour x \$95.00/hr | \$ | 95.00 |

Materials:

| | | |
|--|----|--------|
| | \$ | 275.96 |
|--|----|--------|

Cove base & adhesive

Thursday 6/22/23:

| | | |
|------------------------------|----|-------|
| - Admin: 1 hour x \$95.00/hr | \$ | 95.00 |
|------------------------------|----|-------|

Friday 6/23/23:

| | | |
|------------------------------------------------|----|--------|
| - Construction Tech #1: 3.25 hour x \$99.00/hr | \$ | 321.75 |
| - Construction Tech #2: 1.75 hour x \$99.00/hr | \$ | 173.25 |
| - Construction Tech #3: 1 hour x \$99.00/hr | \$ | 99.00 |
| - Admin: 1 hour x \$95.00/hr | \$ | 95.00 |

Monday 6/26/23:

| | | |
|---------------------------------------------|----|--------|
| - Project Manager: 1.75 hours x \$130.00/hr | \$ | 227.50 |
| - Testing Tech: 1.75 hours x \$130.00/hr | \$ | 227.50 |
| - Base price: 2 samples | \$ | 500.00 |

| | | Item 5. |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|---------|
| - Construction Tech #1: 8 hours x \$99.00/hr | \$ | 792.00 |
| - Construction Tech #1: 2 hours x \$175.00/hr (after hours) | \$ | 350.00 |
| - Construction Tech #2: 6 hours x \$99.00/hr | \$ | 594.00 |
| - Construction Tech #3: 2.5 hours x \$99.00/hr | \$ | 247.50 |
| - Construction Tech #4: 1.25 hours x \$99.00/hr | \$ | 123.75 |
| - Construction Tech #5: 1.25 hours x \$99.00/hr | \$ | 123.75 |
| - Logistics/procurement: 1.5 hours x \$99.00/hr | \$ | 148.50 |
| Materials: | \$ | 433.41 |
| Cove base, carpet, carpet glue, paint, & shop vac bag | | |
| Tuesday 6/27/23: | | |
| - Project Manager: 1 hour x \$130.00/hr | \$ | 130.00 |
| - Remediation Tech #1: 4.25 hours x \$110.00 | \$ | 467.50 |
| - Remediation Tech #1: 4 hours x \$110.00 | \$ | 440.00 |
| - Construction Tech: 7.75 hours x \$99.00 | \$ | 767.25 |
| Equipment: | | |
| - Air scrubbers: 2 x \$120.00/hr | \$ | 240.00 |
| Materials: | \$ | 341.59 |
| Zippers, Duct tape, Double sided tape, multitool blade, plastic, trash bags, respirator cartridges, antimicrobial, Tyvek suits, nitrile gloves, rags, & air scrubber filters | | |
| Wednesday 6/28/23: | | |
| - Remediation Tech: 1 hour x \$110.00/hr | \$ | 110.00 |
| Equipment: | | |
| - Air scrubbers: 2 x \$120.00/hr | \$ | 240.00 |
| Materials: | \$ | 33.39 |
| Tyvek suit & air scrubber filters | | |
| Thursday 6/29/23: | | |
| Equipment: | | |
| - Air scrubbers: 2 x \$120.00/hr | \$ | 240.00 |
| Materials: | \$ | 33.39 |
| Tyvek suit & air scrubber filters | | |
| Friday 6/30/23: | | |
| - Testing Tech: 1.75 hours x \$130.00/hr | \$ | 227.50 |

| | | Item 5. |
|----------------------------------------------------------------------------------------------------------------------------------------------|----|----------|
| - Base Testing price | \$ | 500. |
| - Expedited results: 2 x \$75.00/sample | \$ | 150.00 |
| - Remediation Tech: 1.5 hours x \$110.00/hr | \$ | 165.00 |
| Saturday 7/1/23: (after hours) | | |
| - Construction Tech #1: 12.25 hours x \$175.00/hr | \$ | 2,143.75 |
| - Construction Tech #2: 9.25 hours x \$175.00/hr | \$ | 1,618.75 |
| Materials: | \$ | 228.29 |
| Countertop, copper pipe, shut off valve, & shark bite coupler | | |
| Sunday 7/2/23: (after hours) | | |
| - Construction Tech #1: 6.5 hours x \$175.00/hr | \$ | 1,137.50 |
| - Construction Tech #2: 5.5 hours x \$175.00/hr | \$ | 962.50 |
| Monday 7/3/23: | | |
| - Construction Tech #1: 8 hours x \$99.00/hr | \$ | 792.00 |
| - Construction Tech #1: 4.5 hours x \$175.00/hr (after hours) | \$ | 787.50 |
| - Construction Tech #2: 8 hours x \$99.00/hr | \$ | 792.00 |
| - Construction Tech #2: 3.75 hours x \$175.00/hr (after hours) | \$ | 656.25 |
| - Construction Tech #3: 8 hours x \$99.00/hr | \$ | 792.00 |
| - Construction Tech #3: 3.75 hours x \$175.00/hr (after hours) | \$ | 656.25 |
| - Construction Tech #4: 8 hours x \$99.00/hr | \$ | 792.00 |
| - Construction Tech #4: 2 hours x \$175.00/hr (after hours) | \$ | 350.00 |
| - Construction Tech #5: 6.5 hours x \$99.00/hr | \$ | 643.50 |
| - Construction Tech #6: 2.75 hours x \$99.00/hr | \$ | 272.25 |
| - Logistics/procurement: 1 hour x \$99.00/hr | \$ | 99.00 |
| Materials: | \$ | 378.13 |
| Glass frame panel, straight stop, screen cleaner, wall base, primer, spacers, utility, deco plate, grid, microfiber rollers, paint, & carpet | | |
| Tuesday 7/4/23: | | |
| - Construction Tech #1: 7 hours x \$99.00/hr | \$ | 693.00 |
| - Construction Tech #2: 5.25 hours x \$99.00/hr | \$ | 519.75 |
| - Construction Tech #3: 1 hour x \$99.00/hr | \$ | 99.00 |
| Materials: | \$ | 152.27 |
| Shelf support, outlet shim, mounting tape, paint, brass picture hanging kit, washers, | | |

| | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|------------|
| p-trap kit, paint & primer | | |
| Wednesday 7/5/23: | | |
| - Construction Tech: 3.5 hours x \$99.00/hr | \$ | 346.50 |
| Materials: | \$ | 63.73 |
| Super glue, Schluter trim, mounting tape, & plate hanger | | |
| Dumpster: | | |
| 5/23/2023 | \$ | 550.00 |
| 5/31/2023 | \$ | 550.00 |
| 7/3/2023 | \$ | 550.00 |
| Conex: 20' | \$ | 775.00 |
| Conex: 40' | \$ | 850.00 |
| Portable Restroom | \$ | 438.47 |
| HVAC cleaning | \$ | 1,561.00 |
| Commercial gutter extensions | \$ | 1,203.78 |
| Returned supplies credit: | | |
| Carpet, gloves, duct tape, double sided tape, tyvek suits, antimicrobial wipes, 6 mil plastic, air scrubber prefilters, rags, trash bags, P100 filters, zip ties, zipper | \$ | (818.77) |
| Sub-total | \$ | 175,067.57 |
| 10% Overhead | \$ | 17,506.76 |
| 10% Profit | \$ | 17,506.75 |

***Payments are due by Friday at 5:00pm**

**Please make check out to:
Cavins Construction Group**



Cavins Construction Group...
@CavinsConstructionGroup



Item 5.

This price is for cash, check, or Venmo payments only. If payment is via credit card, there will be an increase in price.

| | |
|--------------|---------------|
| TOTAL | \$ 210,081.08 |
|--------------|---------------|

Make all checks payable to Cavins Construction Group
Payment due upon receipt of invoice, a 2% fee will be charged if payment is not received by Friday at 5:00pm.

THANK YOU FOR YOUR BUSINESS!

File Attachments for Item:

6. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF NORMAN RURAL CERTIFICATE OF SURVEY COS-2324-2: FOR NORMAN HILLS SUBSTATION AND EASEMENT E-2324-7 (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF 48TH AVENUE NW AND WEST FRANKLIN ROAD).



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 08/8/2023

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 NORMAN RURAL CERTIFICATE OF SURVEY COS-2324-2: FOR NORMAN HILLS SUBSTATION AND EASEMENT E-2324-7 (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF 48TH AVENUE NW AND WEST FRANKLIN ROAD).

BACKGROUND:

This item is Norman Rural Certificate of Survey No. COS-2324-2 for Norman Hills Substation and is located at the southwest corner of the intersection of 48th Avenue N.W. and West Franklin Road.

Norman Rural Certificate of Survey COS-2324-2 for Norman Hills Substation was approved by Planning Commission at its meeting of July 13, 2023.

City Council adopted Ordinance No. O-2223-46 placing 40 acres of this property in the A-2, Rural Agricultural District with Special Use for a Public Utility.

DISCUSSION:

There is a total of 60 acres. Tract 1 consists of 40 acres and Tract 2 consists of 20 acres. Tract 1 is a proposed OG&E substation. There is no proposal for Tract 2.

The applicant has submitted Easement No. E-2324-7 in connection with 48th Avenue N.W. and Franklin Road.

RECOMMENDATION:

Based upon the above information, staff recommends approval of Norman Rural Certificate of Survey No. COS-2324-2 for Norman Hills Substation including Easement No. E-2324-7.

GRANT OF EASEMENT

E-2324-7

KNOW ALL MEN BY THESE PRESENTS:

THAT, Oklahoma Gas and Electric Co., in consideration of the sum of One Dollar (\$1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, do hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a public roadway(s), utilities and/or drainage over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating:

PUBLIC ROADWAY, DRAINAGE AND UTILITIES

To have and to hold the same unto the said City, its successors, and assigns forever.

SIGNED and delivered this 25th day of July, 20 23.

BY: [Signature]
Vice President of Utility Technical Services

BY: [Signature] jc
General Counsel

REPRESENTATIVE ACKNOWLEDGMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 25th day of July, 20 23 personally appeared Rob Burch and William Sultemeier, to be known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that _____ 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.



[Signature]
Notary Public

Approved as to form and legality this 27 day of July, 20 23
[Signature]
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 19____.

Mayor

ATTEST:

City Clerk

SEAL:

On this _____ day of _____, 20____, before me personally appeared _____ and _____, to me known to be the identical persons who executed the same as their free and voluntary act and deed of such municipal corporation, for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

Notary Public

**EXHIBIT "A" NORMAN HILLS SUBSTATION
17' ROAD/UTILITY EASEMENT**

LEGAL DESCRIPTION

17' ROAD/UTILITY EASEMENT

Located in the Northeast corner of Section Nine (9) Township Nine (9) North, Range Three (3) West, Cleveland County, Oklahoma and being more particularly described as follows:

Commencing from the Northeast corner of said Section 9, Thence S 89°39'33" W along the North line of said Section 9 a distance of 33.00 feet to a point, Thence S 0°31'25" E a distance of 33.00 feet to the Point of Beginning. Thence continuing S 0°31'25" E a distance of 959.89 feet to a point, Thence S 89°07'16" W a distance of 17.00 feet to a point, Thence N 0°31'25" W a distance of 943.05 feet to a point, Thence S 89°39'33" W a distance of 1704.87 feet to a point, Thence N 0°31'25" W a distance of 17.00 feet to a point, Thence N 89°39'33" E a distance of 1721.87 feet to the Point of Beginning.

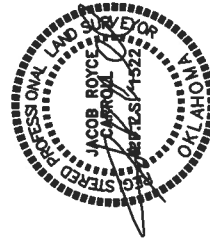
Said Easement contains 45,302.34 square feet or 1.04 acres of land, more or less.

SURVEYORS CERTIFICATE.

This plat or survey also meets the Oklahoma Minimum Standards for the practice of land surveying as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors.

BASIS OF BEARINGS

The Oklahoma North - State Plane Coordinate, Zone NAD 83 (2011) was used as The Basis Of Bearing for this Survey. S 89°39'33" W the North line of the Northeast Quarter of Section 9



BEARING TREE LAND SURVEYING, L.L.C.

7100 Broadway Ext. Oklahoma City, Oklahoma 73116

Telephone: (405) 605-1081

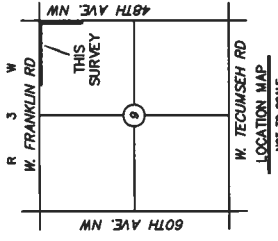
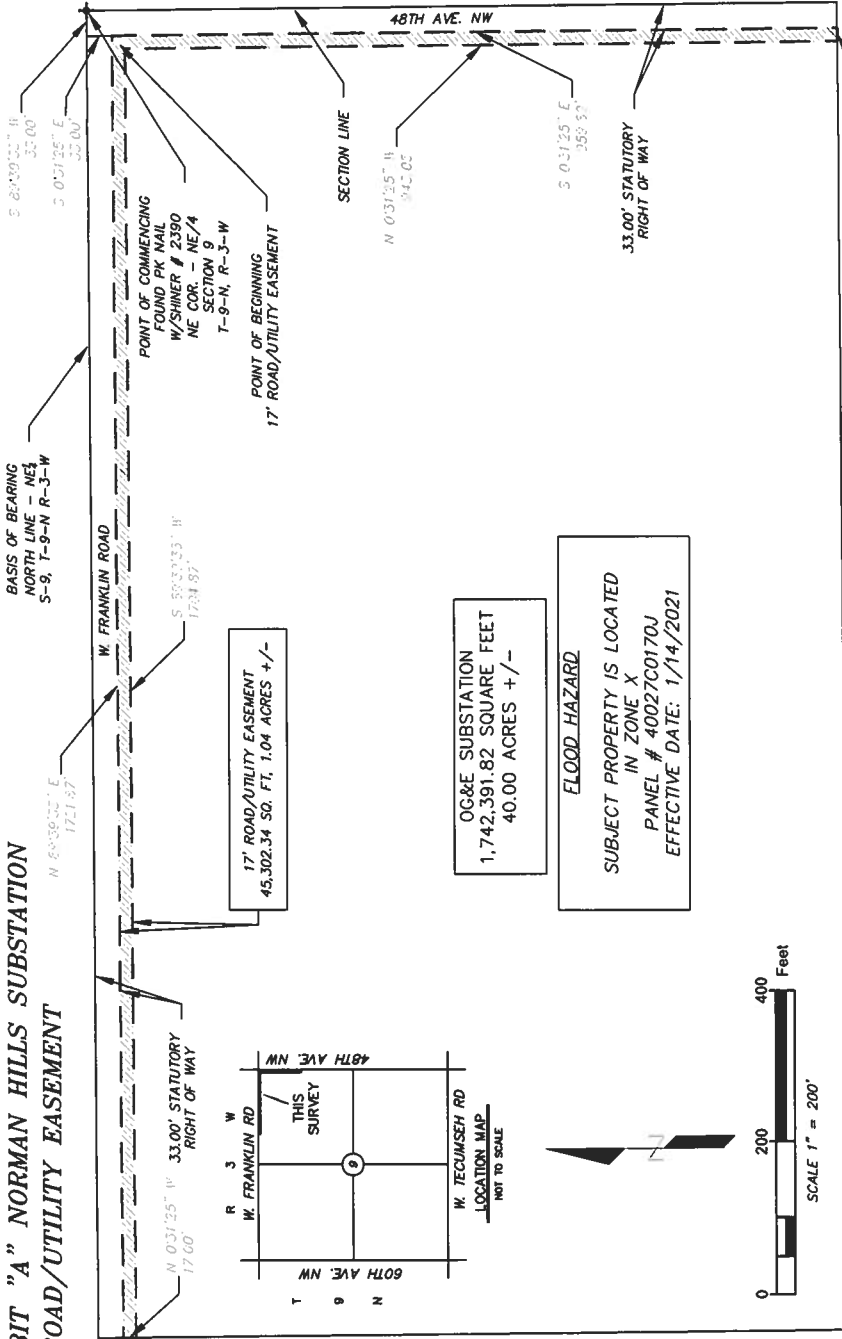
Oklahoma CA #4568 Renewal date 06/30/24 Texas Reg. # 6145

WWW.BEARINGTREESURVEYING.COM

TOPOGRAPHIC • LIDAR • GPS • PHOTOGRAMMETRY
ALTA/ACSM LAND TITLE • CONSTRUCTION • GIS

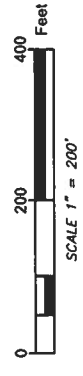


Party Chief: CWA
Processed By: CWA
Drawn By: JRC
Checked By: JRC
Date: 7-25-23
Scale: 1"=200'



OG&E SUBSTATION
1,742,391.82 SQUARE FEET
40.00 ACRES +/-

FLOOD HAZARD
SUBJECT PROPERTY IS LOCATED
IN ZONE X
PANEL # 40027C0170J
EFFECTIVE DATE: 1/14/2021



| LEGEND | | UNDERGROUND UTILITY LINES | |
|------------------------|---|---------------------------|---|
| POWER POLE | ⊕ | UNDERGROUND WATER | — |
| UTILITY POLE | ⊙ | GAS LINE | — |
| LIGHT POLE | ⊛ | GAS | — |
| GUY ANCHOR | ⊙ | SANITARY SEWER LINE | — |
| ELECTRIC METER | ⊙ | STORM DRAIN LINE | — |
| ELECTRIC MANHOLE | ⊙ | TELEPHONE LINE | — |
| ELECTRIC BOX | ⊙ | UNDERGROUND ELECTRIC | — |
| MAILBOX | ⊙ | MISC. LINES | — |
| SANITARY SEWER MANHOLE | ⊙ | OVERHEAD POWERLINE | — |
| STORM SEWER MANHOLE | ⊙ | BARRIED WIRE FENCE | — |
| IRON GRATE INLET | ⊙ | CHAIN LINK FENCE | — |
| TELEPHONE MANHOLE | ⊙ | STOCKADE FENCE | — |
| TELEPHONE RISER | ⊙ | | |

LEGAL DESCRIPTION

A Part of the Northeast Quarter (NE/4) of Section Nine (9), Township Nine (9) North, Range Three (3) West of the Indian Meridian, Cleveland County, Oklahoma, more particularly described as follows:

BEGINNING at a PK Nail w/ "CA 2390" Shiner for the Northeast Corner of the Northeast Quarter of Section Nine (9), Township Nine (9) North, Range Three (3) West, THENCE S 00°31'25" E (Along Section Line) a distance of 992.90 feet; THENCE S 89°39'33" W, a distance of 1754.87 feet to a 1/2" Iron Pin w/ "LS 1522 Carroll" Cap; THENCE N 00°31'25" W, a distance of 992.90 feet; THENCE N 89°39'33" E, a distance of 1754.87 feet to a PK Nail w/ "CA 2390" Shiner for the POINT OF BEGINNING;

Also Described As The East Forty (40) Acres Of The North Sixty (60) Acres Of The NE/4 Of Section Nine (9), Township Nine (9) North, Range Three (3) West.

Said Tract Contains 40.00 acres or 1,742,391.82 square feet, more or less

SURVEYORS CERTIFICATE

This plat or survey also meets the Oklahoma Minimum Standards for the practice of land surveying as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors.

BASIS OF BEARINGS

The Oklahoma North - State Plane Coordinate, Zone NAD 83 (2011) was used as The Basis Of Bearing for this Survey. S 0°31'25" E East line of the Northeast Quarter of Section 9

FLOOD HAZARD
SUBJECT PROPERTY IS LOCATED
IN ZONE X
PANEL # 4002700170J
EFFECTIVE DATE: 1/14/2021

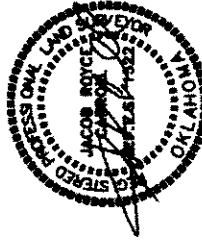
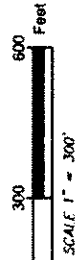
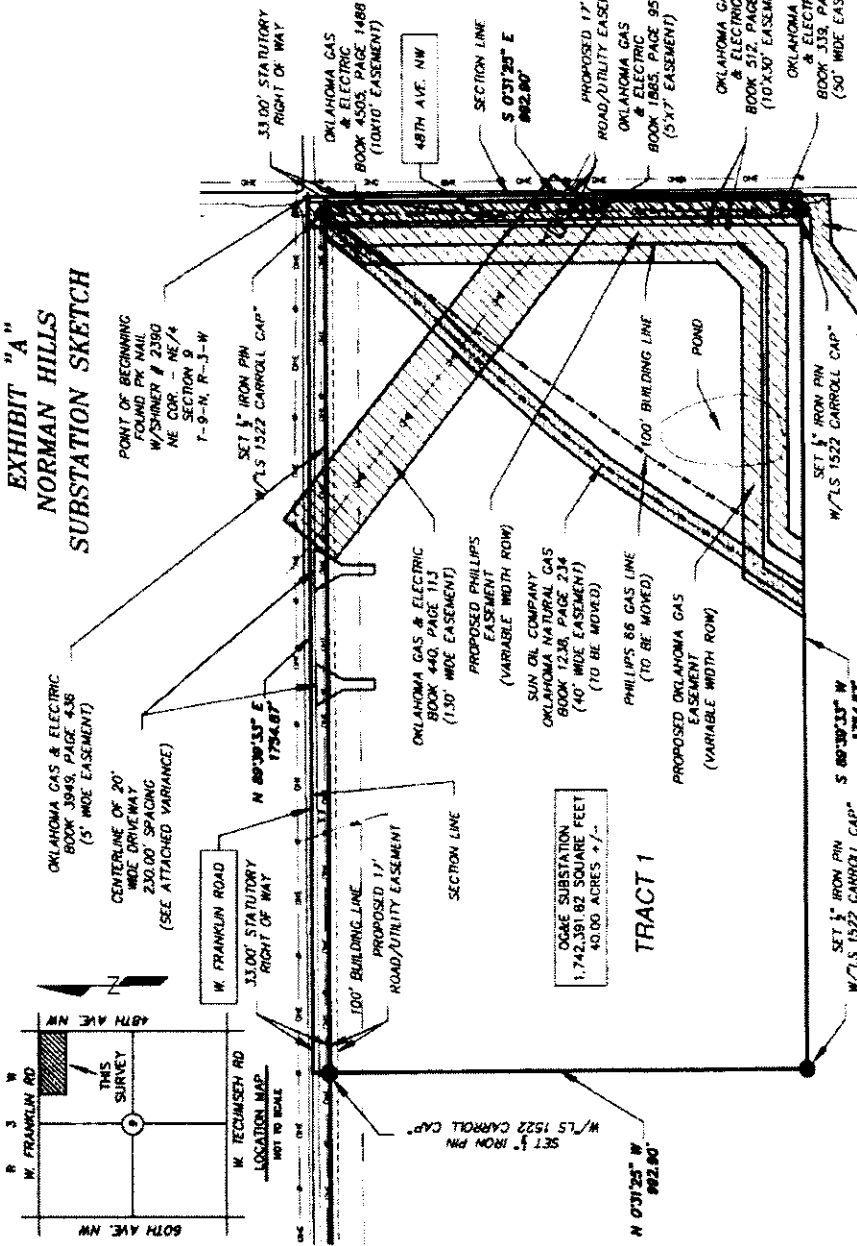


EXHIBIT "A"
NORMAN HILLS
SUBSTATION SKETCH



| LEGEND | |
|--------|------------------------|
| ⊕ | POWER POLE |
| ⊖ | UTILITY POLE |
| ⊗ | LIGHT POLE |
| ⊙ | GUY ANCHOR |
| ⊕ | ELECTRIC METER |
| ⊕ | ELECTRIC MANHOLE |
| ⊕ | ELECTRIC BOX |
| ⊕ | MAILBOX |
| ⊕ | SANITARY SEWER MANHOLE |
| ⊕ | STORM SEWER MANHOLE |
| ⊕ | IRON GRATE INLET |
| ⊕ | TELEPHONE MANHOLE |
| ⊕ | TELEPHONE RISER |
| ⊕ | GAS METER |
| ⊕ | GAS VALVE |
| ⊕ | IRRIGATION VALVE |
| ⊕ | SEWER |
| ⊕ | FINE INTRANT |
| ⊕ | WATER METER |
| ⊕ | WATER VALVE |
| ⊕ | SECTION CORNER |
| ⊕ | QUARTER CORNER |
| ⊕ | SET 1/2" IRON PIN |
| ⊕ | FOUND 1/2" IRON PIN |
| ⊕ | BENCHMARK |

| UNDERGROUND UTILITY LINES | |
|---------------------------|----------------------|
| --- | UNDERGROUND WATER |
| --- | GAS LINE |
| --- | SANITARY SEWER LINE |
| --- | STORM DRAIN LINE |
| --- | TELEPHONE LINE |
| --- | UNDERGROUND ELECTRIC |

| MISC. LINES | |
|-------------|--------------------|
| --- | OVERHEAD POWERLINE |
| --- | BARBED WIRE FENCE |
| --- | CHAIN LINK FENCE |
| --- | STOCKPILE FENCE |

Party Chief: CWA
Processed By: CWA
Drawn By: JRC
Checked By: JRC
Date: 6-08-23
Scale: 1"=300'

BEARING TREE LAND SURVEYING, L.L.C.
7100 Broadway Ext, Oklahoma City, Oklahoma 73116
Telephone: (405) 605-1081
Oklahoma CA #4568 Renewal date 08/30/24 Texas Reg. # 6145
WWW.BEARINGTREESURVEYING.COM

TOPOGRAPHIC * LIDAR * GPS * PHOTOGRAMMETRY
ALTA/ACSM LAND TITLE * CONSTRUCTION * GIS

LEGAL DESCRIPTION

The North 60 acres of the Northeast Quarter (NE/4) of Section Nine (9), Township Nine (9) North, Range Three (3) West of the Indian Meridian, Cleveland County, Oklahoma. LESS AND EXCEPT A part of the Northeast Quarter (NE/4) of Section Nine (9), Township Nine (9) North, Range Three (3) West of the Indian Meridian, Cleveland County, Oklahoma, more particularly described as follows: Beginning at a PK Nail w/ CA 2390-Shiner for the Northeast Corner of the Northeast Quarter of Section 9-19N-R3W; Thence S 00°31'25"E (Along Section Line) a distance of 992.90 feet; Thence S 89°39'33"W, a distance of 1754.87 feet to a 1/2" Iron Pin w/ LS 1522 Carrol Cap; Thence N 00°31'25"E, a distance of 992.90 feet; Thence N 89°39'33"E, a distance of 1754.87 feet to a PK Nail w/ CA 2390-Shiner for the Point of Beginning;

Also Described As The West Forty (20) Acres Of The North Sixty (60) Acres Of The NE/4 Of Section Nine (9), Township Nine (9) North, Range Three (3) West.

Said Tract Contains 20.00 acres or 871,198.00 square feet, more or less

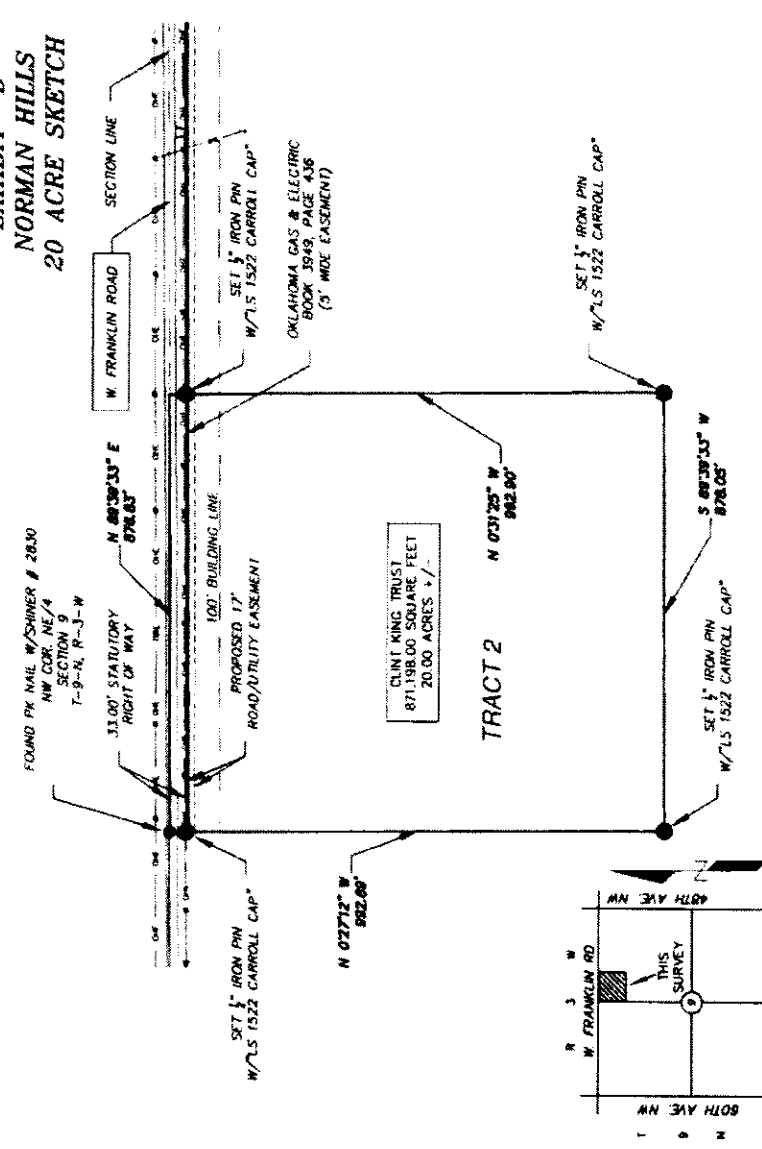
SURVEYORS CERTIFICATE:

This plat or survey also meets the Oklahoma Minimum Standards for the practice of land surveying as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors.

BASIS OF BEARINGS

The Oklahoma North - State Plane Coordinate, Zone NAD 83 (2011) was used as The Basis Of Bearing for this Survey. S 0°31'25" E East line of the Northeast Quarter of Section 9

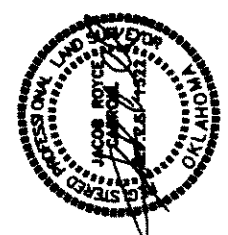
EXHIBIT "B"
NORMAN HILLS
20 ACRE SKETCH



FLOOD HAZARD
SUBJECT PROPERTY IS LOCATED IN ZONE X
PANEL # 40027C0170J
EFFECTIVE DATE: 1/14/2021

Party Chief: CWA
Processed By: CWA
Drawn By: JRG
Checked By: JRG
Date: 6-08-23
Scale: 1"=300'

| LEGEND | |
|-------------|------------------------|
| ⊕ | POWER POLE |
| ⊙ | UTILITY POLE |
| ⊚ | LIGHT POLE |
| ⊛ | CUT ANCHOR |
| ⊜ | ELECTRIC METER |
| ⊝ | ELECTRIC MANHOLE |
| ⊞ | ELECTRIC BOX |
| ⊟ | MANHOLE |
| ⊠ | SANITARY SEWER MANHOLE |
| ⊡ | STORM SEWER MANHOLE |
| ⊢ | IRON GRATE INLET |
| ⊣ | TELEPHONE MANHOLE |
| ⊤ | TELEPHONE RISER |
| ⊥ | GAS METER |
| ⊦ | GAS VALVE |
| ⊧ | IRRIGATION VALVE |
| ⊨ | IRON |
| ⊩ | FIRE HYDRANT |
| ⊪ | WATER METER |
| ⊫ | WATER VALVE |
| ⊬ | SECTION CORNER |
| ⊭ | QUARTER CORNER |
| ⊮ | SET 1/2" IRON PIN |
| ⊯ | FOUND 1/2" IRON PIN |
| ⊰ | BENCHMARK |
| ⊱ | UNDERGROUND WATER |
| ⊲ | GAS LINE |
| ⊳ | SANITARY SEWER LINE |
| ⊴ | STORM DRAIN LINE |
| ⊵ | TELEPHONE LINE |
| ⊶ | UNDERGROUND ELECTRIC |
| MISC. LINES | |
| ⊷ | OVERHEAD POWERLINE |
| ⊸ | BARRIED WIRE FENCE |
| ⊹ | CHAIN LINK FENCE |
| ⊺ | STOCKADE FENCE |



BEARING TREE LAND SURVEYING, L.L.C.
7100 Broadway Ext. Oklahoma City, Oklahoma 73116
Telephone: (405) 605-1081
Oklahoma CA #4368 Renewal date 06/30/24 Texas Reg # 6145
WWW.BEARINGTREESURVEYING.COM
TOPOGRAPHIC • LIDAR • GPS • PHOTOGRAMMETRY
ALTA/ACSM LAND TITLE • CONSTRUCTION • GIS

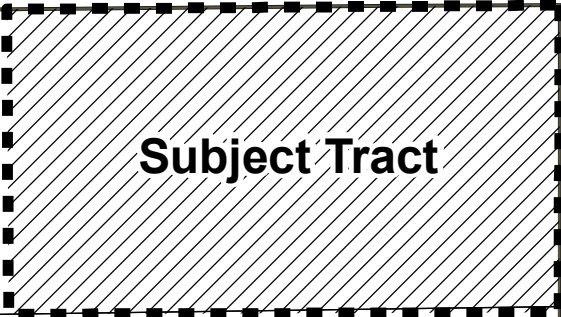
Item 6.

A-2
1339

PUD
0910-14

48TH AVE NW

FRANKLIN RD



Subject Tract

A-2
1339

PUD
2021-47

A-2
1339

RED SKY RANCH 1

A-2
1339

R-1
0304-4

A-1
7273-103

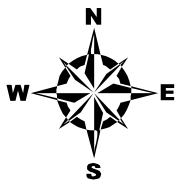
RE
7475-25

RIDGELINE D

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

0 300 600 Ft.

 Subject Tract

 Zoning

G:\ArcGIS10\Map_Templates\skt1_LocationMap\skt1_LocationMap.mxd

CERTIFICATE OF SURVEY
COS-2324-2

ITEM NO. 5

STAFF REPORT

ITEM: Consideration of **NORMAN RURAL CERTIFICATE OF SURVEY NO. COS-2324-2 FOR NORMAN HILLS SUBSTATION.**

LOCATION: Located at the southwest corner of the intersection of 48th Avenue N.W. and West Franklin Road.

INFORMATION:

1. Owners. Clint King Trust.
2. Developer. Oklahoma Gas & Electric Co.
3. Surveyor. Bearing Tree Land Surveying.

HISTORY:

1. October 21, 1961. City Council adopted Ordinance No. 1320 annexing this property into the Norman Corporate City Limits without zoning.
2. December 19, 1961. Planning Commission recommended to City Council that this property be placed in A-2, Rural Agricultural District.
3. January 23, 1962. City Council adopted Ordinance No. 1339 placing this property in A-2, Rural Agricultural District.
4. June 8, 2023 Planning Commission, on a vote of 5-0, recommended to City Council placing Tract 1 (40 acres) in the A-2, Rural Agricultural District with Special Use for a Public Utility.

IMPROVEMENT PROGRAM:

1. Fire Protection. Fire protection will be provided by the Norman Fire Department.
2. Easements. With the Comprehensive Transportation Plan, Franklin Road is classified as a local street and 48th Avenue N.W. is classified as a Minor Urban Arterial. A 17' roadway, drainage and utility easement will be required.
3. Acreage. There is a total of 60 acres. Tract 1 consists of 40 acres and Tract 2 consists of 20 acres.

SUPPLEMENTAL MATERIAL: Copies of a location map and Norman Rural Certificate of Survey No. COS-2324-2 are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: It has been determined the proposed project an OG+E substation is by right in the A-2, Rural Agricultural District with Special Use for a Public Utility. There is no proposal for Tract 2. Staff recommends approval of Certificate of Survey No. COS-2324-2 for Norman Hills Substation.

ACTION NEEDED: Recommend approval or disapproval of Norman Rural Certificate of Survey No. COS-2324-2 for Norman Hills Substation to City Council.

ACTION TAKEN: _____

City Council Agenda

COS-2324-2

August 8, 2022

ITEM: CONSIDERATION OF NORMAN RURAL CERTIFICATE OF SURVEY NO. COS-2324-2 FOR NORMAN HILLS SUBSTATION AND ACCEPTANCE OF EASEMENT NO. E-2324-7.

LOCATION: Located at the southwest corner of the intersection of 48th Avenue N.W. and West Franklin Road.

INFORMATION:

1. Owners. Clint King Trust & Oklahoma Gas & Electric Co.
2. Developer. Oklahoma Gas & Electric Co.
3. Surveyor. Bearing Tree Land Surveying.

HISTORY:

1. Refer to the Planning Commission Staff Report, July 13, 2023.
2. July 13, 2023. Planning Commission, on a vote of 7-0, recommended to City Council that Certificate of Survey No. COS-2324-2 for Norman Hills Substation be approved.
3. July 25, 2023. City Council adopted Ordinance No. O-2223-46 placing a portion of this property in the A-2, Rural Agricultural District with Special Use for a Public Utility.

PUBLIC DEDICATIONS:

1. Easement. The applicant has submitted Easement No. E-2324-?? a roadway, drainage and utility easement in connection with 48th Avenue N.W. and Franklin Road.

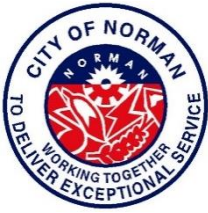
SUPPLEMENTAL MATERIAL: Copies of an advisory memorandum, location map, certificate of survey, Staff Report recommending approval, Easement No. E-2324- and pertinent excerpts from the Planning Commission minutes are included in the Agenda Book.

ACTION NEEDED: Motion to approve or reject Easement No. E-2324-7 and Certificate of Survey No. COS-2324-2 for Norman Hills Substation, and, if approved, direct the filing of Certificate of Survey No. COS-2324-2 for Norman Hills Substation and Easement No. E-2324-7 with the Cleveland County Clerk.

ACTION TAKEN: _____

File Attachments for Item:

7. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF AMENDMENT NO. ONE TO CONTRACT K-2223-46:
AN AMENDMENT TO THE CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND RJN GROUP, INC., IN THE AMOUNT OF \$169,046 FOR WASTEWATER FLOW MONITORING SERVICES.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 08/08/2023

REQUESTER: Nathan Madenwald, Utilities Engineer

PRESENTER: Nathan Madenwald, Utilities Engineer

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF AMENDMENT NO. ONE TO CONTRACT K-2223-46: AN AMENDMENT TO THE CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND RJN GROUP, INC., IN THE AMOUNT OF \$169,046 FOR WASTEWATER FLOW MONITORING SERVICES.

BACKGROUND:

In March 2002, the Norman Utilities Authority (NUA) approved Contract K-0102-50 with RJN Group, Inc. (RJN) which began a program to measure wastewater flows from satellite collection systems. Satellite systems are privately-owned wastewater collection systems that discharge into the NUA system. The program began with the installation of 10 flow meters at discharge points serving the University of Oklahoma's (OU) sewage collection system. The scope of services included metering equipment selection, installation, calibration and software for data collection and reporting, and meter maintenance. The contract was amended several times to authorize continued maintenance, data collection and reporting.

In 2007, a Request for Proposal (RFP) was forwarded to interested engineering firms. On August 28, 2007, Contract K-0708-42 for Permanent Wastewater Flow Metering services was awarded to RJN in an annual amount not to exceed \$150,000. Under Contract K-0708-42, additional unit prices were provided to perform meter maintenance, if necessary, and install a total of 19 meters. Additional meters were installed at discharge points from several satellite systems such as mobile home parks and apartment complexes to determine if permanent meters were justified at these locations. Additional meters were installed to determine wastewater flows prior to and following improvements under the Sewer Maintenance Program (SMP) to determine the effectiveness of the sewer main replacements. The NUA approved five amendments to Contract K-0708-42. In 2014, Contract K-1415-34 was awarded to RJN to continue this flow monitoring work. Under this contract and its amendments, RJN provided flow monitoring services and also developed a website management system for the data to provide easier access for staff and provided flow data to support efforts to measure virus loads in wastewater during the pandemic.

In 2022, Contract K-2223-46 was awarded to the RJN Group, Inc., due to their experience in working with our system and processes and lack of other available competitors for this work. The flows are used to measure effectiveness of the Sewer Maintenance Program, billing for OU,

and overall flow measurements to be used to monitor system capacity and for future modeling purposes. RJN is also performing temporary flow monitoring for the current wastewater master planning efforts under Contract K-2223-127.

DISCUSSION:

Amendment 1 to Contract K-2223-46 has a “not to exceed” amount of \$169,046. It is based on continued maintenance, meter repairs, data collection and reporting for a total of 18 meters for duration of 12 months at an estimated cost of \$136,944. The contract also includes \$32,102 for new equipment, repairs, or new installations/relocations.

The new unit price for monthly monitoring and data collection did not increase with this amendment but the overall annual increase is approximately 3.5%. The eighteen (18) metering installations include nine meters for OU billing purposes, seven meters to measure dry and wet weather flow data from interceptors entering the Water Reclamation Facility (WRF) and two additional meters for sewer rehabilitation evaluation under the Sewer Maintenance Plan (SMP).

The Fiscal Year Ending 2024 (FYE24) budget includes \$170,000 in Water Reclamation Fund, Professional Services (account 32955252-44099) and is sufficient to fully fund Amendment 1 to Contract K-2223-46 with RJN.

RECOMMENDATION:

Staff recommends approval of Amendment No. One to Contract K-2223-46 with RJN Group, Inc. to perform wastewater flow monitoring services in an amount not to exceed \$169,046.

AMENDMENT NO. 1
AMENDMENT TO AGREEMENT
BETWEEN OWNER AND ENGINEER
FOR
ENGINEERING SERVICES

This AMENDMENT is made part of the AGREEMENT dated July 11, 2023, between the Norman Utilities Authority (OWNER) and RJN Group, Inc. (ENGINEER) for engineering, maintenance, and installation services in connection with the Wastewater Flow Metering Services at specified locations within the collection system, per attached Exhibit 1, Project Location Map.

1. The Schedule as described in Attachment A, the Scope of Services of ENGINEER as described in Attachment B, and Compensation as described in Attachment C of said AGREEMENT are amended and supplemented as follows:
 - a. Schedule: The service and data management period will be extended for a one year period under this amendment from July 1, 2023 through June 30, 2024.
 - b. Compensation: The compensation for amended services rendered by ENGINEER shall be set forth in the compensation table in Attachment C of this AMENDMENT.

Acceptance of the terms of this Amendment is acknowledged by the following authorized signatures of the parties to the Agreement.

RJN GROUP, INC. – ENGINEER

ATTEST

By: Randall J. Barber

Adam Bourke

Title: Vice President

Project Manager

Norman Utilities Authority- OWNER

APPROVED as to form and legality this 3 day of August, 2023.

Al Poole

City Attorney

APPROVED by the Trustees of the Norman Utilities Authority this _____ day of _____, 2023.

ATTEST

By: _____

Title: _____

ATTACHMENT A

SCHEDULE

If new equipment installation or relocation of existing metering or telemetry equipment is requested and authorized by the OWNER as Additional Services, the ENGINEER shall mobilize within 21 days of receipt of the written Notice to Proceed and shall achieve Substantial Completion of equipment installation at the approved site locations within 60 days of the Notice to Proceed. Upon Substantial Completion, the annual Service and Data Management Period shall commence on a site-by-site basis.

ATTACHMENT B**SCOPE OF SERVICES****Project Initiation Period****Coordination**

ENGINEER shall review all information collected by the Norman Utilities Authority (OWNER) to ensure a thorough understanding of the project background. A kick-off meeting with the OWNER shall be conducted to develop a thorough understanding of the project, goals and to coordinate the routine and timely exchange of information.

Routine project team meetings shall be conducted with OWNER representatives as necessary to review the PROJECT issues and status. ENGINEER shall institute a safety program to be strictly followed throughout the entire duration of the project. All crews shall wear appropriate identification.

Site Investigation

ENGINEER shall assist in selecting the specific monitoring points from a strategic and feasibility viewpoint. Site investigations shall involve the evaluation of the monitoring location to ensure sensor survivability and the ability to collect quality flow data. The investigation shall further include hydraulic evaluation for potential flow regimes including laminar, turbulent, backwater, and surcharged conditions.

The investigation shall also include evaluation and feasibility of site accessibility, telemetry, and power.

Equipment Selection

Based on the site selection investigation reports, the appropriate technologies shall be considered and evaluated to fulfill the project objectives. Equipment selection criteria shall consider the pipe size, anticipated flow ranges, telemetry method, operating principal, accuracy, data management requirements, and cost. A recommendation of the most practical technology for each site shall be provided to the OWNER.

Installation Period**Flow Monitoring Equipment**

ENGINEER shall procure and deliver the monitoring equipment including sensors, installation bands, and necessary installation hardware. The OWNER will be provided with a copy of the selected flow monitoring software. The OWNER shall become the owner of the equipment and software at the time that Substantial Completion is reached.

The selected flow monitoring units shall be operated under battery power to allow for in-manhole installations without the necessity to bring permanent power to each site.

The following flow monitoring equipment shall be maintained by the ENGINEER throughout the duration of the project:

- **Sixteen (16) newer, existing Hach FL902 Flow Meters (purchased by OWNER and installed by ENGINEER in 2014, 2015, 2016, 2017, 2018 & 2019) will be maintained at all flow metering sites. The active flow monitoring sites are: OU-01, OU-03, OU-04, OU-05, OU-06, OU-07, OU-11, OU-12, OU-14, WS-01, WS-10, WS-11, BP-17, BP-18, BP-25 and BP-30.**
- **Two (2) newer Hach FL902 Flow Meters will be maintained at sewer rehabilitation sites selected by OWNER to monitor pre- and post- construction wastewater flows. Meters are currently named with existing identification of RM-13A_2023 and RM-13B_2020.**
- **Three (3) existing rain gauges will be maintained and were recently upgraded to Ayyeka Wavelet Edge technology.**

Equipment Warranty – Any new flow monitoring equipment installed shall be warranted for 1 year against all defects. The OWNER shall have the opportunity to extend the manufacturer’s warranty, annually.

Installation

The equipment shall be installed according to the manufacturer’s recommendations by trained technicians. The flow monitors shall be capable of recording both depth and velocity components and shall be configured to obtain readings on 15 minute intervals.

The sensing equipment is typically installed on a thin metal ring for smaller pipe applications. For larger pipe installations over 42-inch inside diameter, the sensing equipment is generally installed on a flange or partial band. The cabling shall be secured to the manhole walls and attached to a data logger at the top of the manhole for easy access. Prior to leaving the site, each flow monitor shall be configured and activated at the site.

Each monitored location shall be calibrated at installation, which involves comparing the returned sensor values against independent devices. ENGINEER staff shall acquire at least six calibrations at various flow levels.

Substantial Completion shall be reached upon the installation of all flow monitoring equipment, sensors and completion of hydraulic calibrations. ENGINEER shall submit for approval of Substantial Completion and provide at least one week of data for each site to demonstrate that the equipment is operating within operating standards.

Telemetry

Cellular telemetry shall be provided at each flow monitoring location. Newly purchased Hach FL902 will have built-in Hach modem units.

Service and Data Management Period

The Service and Data Management Period shall commence once Substantial Completion of all metering locations is achieved and shall remain in effect for one year. The AGREEMENT shall be renewable each year for as long as Services are required by OWNER. ENGINEER shall provide written notice of any price increases within 30 days prior to the expiration date of each annual AGREEMENT.

Data Collection

Each flow meter shall be remotely collected and the data reviewed on a weekly basis. During each download operation, data shall be graphed to check for inconsistencies, gaps or adverse trends. The

data shall be edited, processed and finalized on a monthly basis to generate final Q (flow) in addition to the depth and velocity readings.

Equipment Maintenance and Service

Quarterly calibrations shall be performed by ENGINEER and shall be reviewed against the measured sensor readings. On a quarter year interval, each site shall be visited to obtain hydraulic calibrations and to perform routine interrogation of the meters. Service or maintenance requirements shall be scheduled within 48 hours of data collection. ENGINEER technicians shall then have 72 hours to make necessary adjustments or repairs. Any equipment found to be working improperly shall be repaired or replaced with a spare unit until the equipment is repaired. Field technicians shall maintain a service log for all activities performed.

ENGINEER shall organize and maintain electronic records of the flow data. ENGINEER shall further maintain a back-up record of all collected flow data. The data shall be made available to the OWNER upon request.

ENGINEER shall perform quarterly calibrations of the flow meter equipment. The calibration of the flow metering sites shall consist of comparing manual depth and velocity measurements to the flow meters measurements using independent devices.

ENGINEER shall replace batteries during field visits according to the manufacturer's recommended battery replacement interval or as needed due to battery failure.

Monthly Deliverables

ENGINEER shall prepare and deliver electronically on a monthly basis a billing statement with monthly summary (as described below) to the University of Oklahoma (OU) in a format to be approved by OWNER. ENGINEER shall assist OWNER in responding to any billing inquiries from OU.

The data shall include a monthly summary of the daily total flow, monthly minimum, average and maximum flow from the billing meters. Flow shall be represented in both tabular and graphical formats.

Quarterly Deliverables

ENGINEER shall provide a quarterly summary of the interceptor flow data including a brief status of the monitoring results for each interceptor meter location along with interpretations of unique hydraulic conditions. The summary shall note any maintenance and service requirements in addition to any downtime that may have occurred.

ENGINEER shall prepare and deliver electronically on a quarterly basis a summary (as described below) to the OWNER.

The data shall include a summary of the daily total flow, monthly minimum, average and maximum flow. Depth, velocity, and flow shall be represented in tabular and graphical formats. All monthly flow and data reports shall be delivered in electronic format to enable special reports to be generated by the OWNER. Electronic data shall be created using the selected manufacturer's software. Electronic data shall be compatible with Microsoft Access and Excel.

ENGINEER shall analyze data from each monitoring site for maintenance problems and predictive failure. Any modifications to the meter configuration or adjustments to the data based on field calibrations shall be logged. Data analysis shall include the evaluation of hydraulic conditions such as surcharging, suspected overflows at meter site, and wet weather contributions. Average dry weather (baseline) and peak wet weather flows shall be established for each monitoring location.

The data shall be reviewed for trend analysis of inflow and infiltration (I/I) contributions, and significant capacity variations. Any significant variations from this baseline flow shall be included with the deliverable. Indications of concern shall be reported immediately.

Annual Deliverable

ENGINEER shall provide an annual summary of the flow data including a brief status of the monitoring results for each pre- and post rehabilitation meter location along with interpretations of unique hydraulic conditions. The summary shall note any maintenance and service requirements in addition to any downtime that may have occurred.

ENGINEER shall prepare and deliver electronically on an annual basis a summary (as described below) to the OWNER.

The data shall include a summary of the baseline flow and percent reduction of wet weather flow. The pre- and post-rehabilitation comparative analysis shall be based on one of the following two (2) methods: linear regression of flow versus rainfall intensity benchmarked to a 1-year/60-minute rainfall intensity, or a volumetric analysis comparing similar storm events. Report shall be delivered in electronic format to enable special reports to be generated by the OWNER. Electronic data shall be created using the selected manufacturer's software. Electronic data shall be compatible with Microsoft Access and Excel.

ENGINEER shall analyze data from each monitoring site for maintenance problems and predictive failure. Any modifications to the meter configuration or adjustments to the data based on field calibrations shall be logged. Data analysis shall include the evaluation of hydraulic conditions such as surcharging, suspected overflows at meter site, and wet weather contributions. Indications of concern shall be reported immediately.

Limits of Responsibility

ENGINEER shall not be responsible for any damages to the equipment caused by activities of others including, construction, vandalism, sewer cleaning, sewer maintenance, or utility trenching. The OWNER shall not make any modifications or repair to the equipment without the prior consent of ENGINEER. The OWNER may authorize ENGINEER to repair such damages on a time and material basis. ENGINEER shall not be liable for any loss of data due to meter malfunction or causes beyond its control.

Payment of the monthly telephone and power utilities shall be the responsibility of the OWNER.

ATTACHMENT C

COMPENSATION

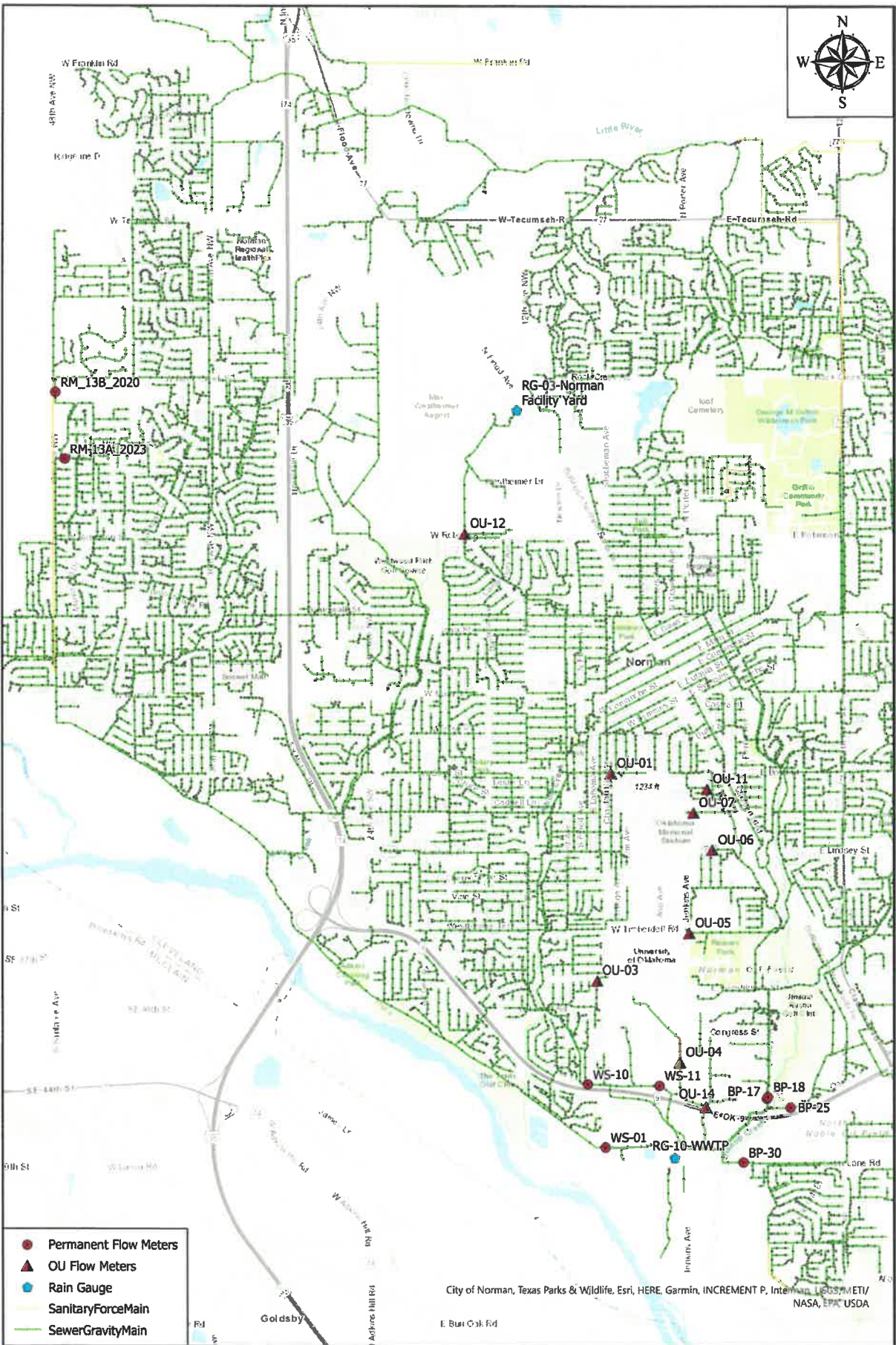
The OWNER agrees to compensate ENGINEER for these services based on the unit rate table below. Quantities under "Services Upon OWNER Request" are estimated and may be adjusted by OWNER.

The OWNER may request Additional Services that may not be identified in the compensation table. The OWNER may request cost estimates from the Engineer for services that may include equipment repair or other flow monitoring related services for the OWNER.

| Description | Quantity | Unit Rate | Total |
|-------------------------------------------------------------------------------|----------------|---------------------|---------------------|
| Service and Data Management | | | |
| OU Permanent Meters (12 mos. x 9 meters) | 108 meter/mos. | \$634.00 /meter/mo. | \$68,472.00 |
| Norman Interceptor Meters (12 mos. x 7 meters) | 84 meter/mos. | \$634.00 /meter/mo. | \$53,256.00 |
| Additional Meters for I/I Monitoring Pre- and Post-Rehab (12 mos. x 2 meters) | 24 meter/mos. | \$634.00 /meter/mo. | \$15,216.00 |
| Subtotal Service and Data Management | | | \$136,944.00 |
| | | | |
| Additional Services Upon OWNER Request | | | |
| A. FM Equipment ^{1/} | 1 | \$14,000.00/meter | \$14,000.00 |
| B. FM Installation or Relocation | 3 | \$1,150.00/meter | \$3,450.00 |
| C. Equipment Repairs ^{2/} | <u>2/</u> | <u>2/</u> | \$14,652.00 |
| Subtotal Additional Services | | | \$32,102.00 |
| Total Amendment No. 1 | | | \$169,046.00 |

^{1/} Includes ENGINEER negotiated trade in discounts.

^{2/} As needed per repair based on Manufacturer's invoice or equipment manager's labor billed out at \$150.00/hr.



File Attachments for Item:

8. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT OR POSTPONEMENT OF AMENDMENT 1 TO CONTRACT K-2223-146: A ROAD USE AND MAINTENANCE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF NORMAN AND NEXTERA ENERGY TRANSMISSION SOUTHWEST, LLC TO PROVIDE A FRAMEWORK FOR ROADWAY PROTECTION, REPAIR AND MAINTENANCE BY NEXT ERA RELATING TO ITS MINCO-PLEASANT VALLEY-DRAPER TRANSMISSION LINE PROJECT.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 8/8/2023

REQUESTER: Shawn O’Leary, Director of Public Works

PRESENTER: Elisabeth Muckala, Asst. City Attorney

ITEM TITLE: CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT OR POSTPONEMENT OF AMENDMENT 1 TO CONTRACT K-2223-146: A ROAD USE AND MAINTENANCE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF NORMAN AND NEXTERA ENERGY TRANSMISSION SOUTHWEST, LLC TO PROVIDE A FRAMEWORK FOR ROADWAY PROTECTION, REPAIR AND MAINTENANCE BY NEXT ERA RELATING TO ITS MINCO-PLEASANT VALLEY-DRAPER TRANSMISSION LINE PROJECT.

BACKGROUND:

NextEra Energy Transmission Southwest, LLC (“NEET”) is a Delaware Limited Liability Company. NEET and its affiliates have been active in energy generation and transmission projects nationwide, including 15 Wind Energy Centers located across 14 Oklahoma counties. In April of 2022, NEET was awarded the Minco-Pleasant Valley-Draper Project (“Project”) by the Southwest Power Pool (“SPP”), to be regulated by the SPP and according to those regulations enforced by the Federal Energy Regulatory Commission (“FERC”). The Project is a 48-mile long 345 kV transmission line interconnecting Minco, Pleasant Valley and Draper substations owned by OG&E, all located within SPP territory.

The project investment is upwards of \$55 million, and the Project is projected to result in congestion savings to Oklahoma between \$286 million and \$804 million over the next 40 years, as well as inject \$14 million in tax revenue for the state over the next 40 years. The 345 kV lines require an easement width of 150 feet and involve typical pole height of 125 feet. The poles are designed to incorporate a compact footprint, withstand harsh weather conditions, and will incorporate concrete foundations and guyed structures.

NEET has been securing necessary easements for its Project for several months and is currently in the process of finalizing the last of those transactions. One such easement will be acquired from the City of Norman for property owned at the northwest corner of the intersection of Franklin Road and 12th Avenue NE. The Norman City Council will also be asked to consider this easement (Easement E-2223-32), an associated compensation agreement (Contract K-2223-147), and a lease (Contract K-2223-148) on the same property to be used temporarily for a “laydown yard” during NEET’s construction of the Project.

DISCUSSION:

The Road Use and Maintenance Memorandum of Understanding (“RUA”) was originally approved by the City Council on April 25, 2023. The RUA sets a framework that allows the City and NEET to work together for the ultimate creation of agreements regarding the protection, repair and maintenance to roadways affected by NEET’s construction, maintenance and operation of the Project. The RUA requires NEET to provide final project details in advance of construction. These details must address matters vital to the City of Norman including road and crossing capacities, stormwater implications, floodplain compliance, environmental and severe weather response, and intensity, duration and proposed route of use. The agreement also anticipates procedures for cooperation where road alteration or closures may be required for safety and to accommodate the Project construction.

Upon receipt of necessary information, NEET can work directly with the City of Norman Public Works Department to reach a formal agreement designed to best protect the City’s roadways and crossings. If approved by the City Council as set forth herein, the Director of Public Works would be empowered to approve said final agreement(s). A failure of the parties to reach a final agreement would result in the nullification of this RUA and any remedies against NEET for road damage would be pursued according to Oklahoma common law and statute. Prior to, throughout and following construction, joint inventories will be completed of affected roads and crossings in order to determine NEET’s responsibility for repair and maintenance.

The RUA requires indemnification and sufficient insurances by NEET, which insurance names the City as an additional insured. NEET must indemnify the City for the acts of any authorized representatives, which would include applicable engineers and contractors involved in the execution of Project construction.

As NextEra’s project plans have matured, additional roads have been identified that, as a matter of prudence, the parties feel should be included within the scope of the RUA, while the parties wish to remove one portion of another road. The portions added are:

- West Robinson Avenue from 0.5 miles east of 60th Ave NW to I-35
- 12th Ave NW for 0.5 miles. Originally 12th stopped 0.5 miles north of Franklin but now extends to East Indian Hills Road
- Porter Avenue for 0.5 miles. Originally Porter stopped 0.5 miles north of Franklin but now extends to East Indian Hills
- Broadway Avenue from East Indian Hills Road to Porter Avenue
- East Indian Hills from 12th Avenue to 0.5 miles east of Porter Avenue
- Tecumseh from 12th Avenue NE to 48th Avenue NE

The portion removed is:

- Pullin Lane Franklin Road to End (private street)

To accomplish these additions and the one subtraction, the original agreement must be amended to substitute a new Exhibit A. The agreement remains, in all other aspects, the same as the one originally approved by City Council.

RECOMMENDATION:

City Staff recommends approval of Amendment 1 to the Road Use Agreement with Next Era, Contract K-2223-146.

AMENDMENT NO. 1 TO ROAD USE AND MAINTENANCE
MEMORANDUM OF UNDERSTANDING

THIS AMENDMENT NO. 1 TO ROAD USE AND MAINTENANCE MEMORANDUM OF UNDERSTANDING ("**Amend. 1 to Agreement**") is entered into as of this ____ day of ~~July~~, *August gm* 2023 ("**Effective Date**") by and between the City of Norman, Oklahoma, a Municipal Corporation, ("**City**") and NextEra Energy Transmission Southwest, LLC, a Delaware limited liability company, ("**User**"), in order to amend and replace Exhibit A to Contract K-2223-146.

RECITALS

WHEREAS, User is developing an electrical transmission facility ("**Project**") on a site located in the City of Norman, Cleveland County, Oklahoma; and

WHEREAS, User intends to obtain the necessary approvals to build, operate and maintain the Project; and

WHEREAS, in connection with the construction, operation and maintenance of the Project, User desires to use public roadways within the City during its ongoing construction, operation and maintenance of the Project.

WHEREAS, User and the City previously entered into Contract K-2223-146 to set forth and agreed process for entering into detailed agreements relating to the User's use of Roads during the construction, maintenance and operation of the Project; and

WHEREAS, User has determined its need to amend Exhibit A setting forth those Norman Roads and Bridges subject to this Agreement;

NOW, THEREFORE, the Parties agree to Amend Contract K-2223-146 as follows:

TERMS AND CONDITIONS

1. **Exhibit A ("Identification of Roads")** shall be replaced in its entirety with the **Exhibit A ("Identification of Roads")** attached hereto.

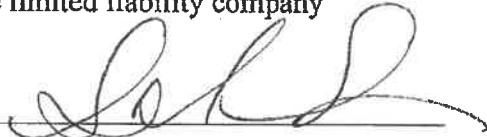
2. All other terms, provisions and conditions of the original Agreement shall remain in full force and effect and the provisions of this Amendment No. 1 shall become part of the original Agreement as if fully written therein.

IN WITNESS WHEREOF, the Parties have caused this Amend. No. 1 to Agreement to be executed in their respective names by their duly authorized officers.

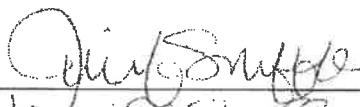
City of Norman
Amend. 1 to Contract K-2223-146

User:

NextEra Energy Transmission Southwest, LLC
a Delaware limited liability company

Signed: 

Sarah Michelle Powers, Asst. Vice President

ATTEST: 
Jennifer Sheffler, Notary Public
Corporate Secretary



This instrument was acknowledged before me on August 2, 2023, by Sarah Michelle Powers, AS Assistant Vice President of NextEra Energy Transmission Southwest, LLC.
City:

By: _____
Larry Heikkila, Mayor

ATTEST:

By: _____
Brenda Hall, City Clerk

Approved as to Form:

By: 
City Attorney's Office

EXHIBIT A

Identification of "Roads"

SHEET DESCRIPTION: Norman Roads and Bridges - West of I-35

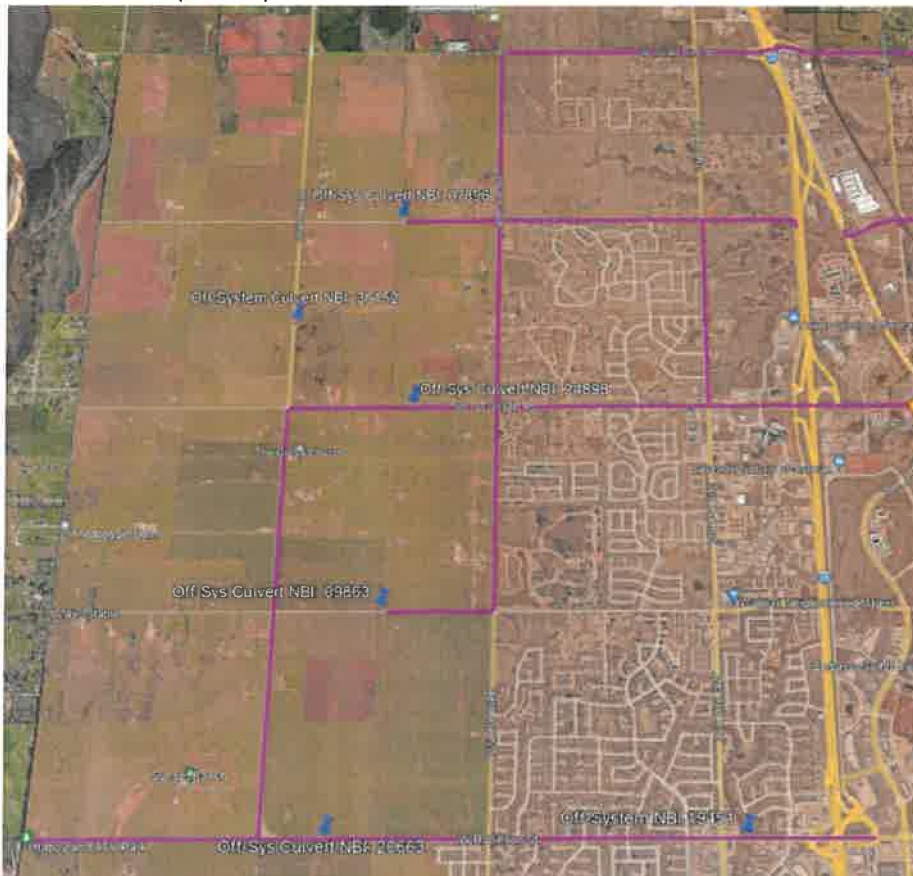
Roads

| Route | Limits | | Length (miles) |
|-------------------|-------------------------|----------------------------|----------------|
| | From | To | |
| W Robinson St | 1.0 MI W of 60th Ave NW | 0.20 MI E of I-35 | 3.70 |
| 60th Ave NW | W Robinson St | W Techumseh Rd | 2.00 |
| W Rock Creek Rd | 48th Ave NW | 0.50 MI W of 48th Ave NW | 0.50 |
| W Techumseh Rd | 60th Ave NW | 24th Ave NW | 3.00 |
| 48th Ave NW | W Indian Hills Rd | W Rock Creek Rd | 3.00 |
| 36th Ave NW | W Franklin Rd | W Techumseh Rd | 1.00 |
| W Franklin Rd | 0.5 MI W of 48th Ave NW | N Interstate Dr | 1.97 |
| W Indian Hills Rd | 48th Ave NW | I-35 | 1.40 |
| N Interstate Dr | W Franklin Rd | 0.04 MI S of W Franklin Rd | 0.04 |

Bridges

| Bridge NBI No. | Structure Type | Route | Location |
|----------------|---------------------------------------|-----------------|----------------------------|
| 07896 | 4-4 ft Dia. Corrugated Metal Pipes* | W Franklin Rd | 0.5 MI E of 60th Ave NW |
| 24898 | 3 Cell RCB | W Tecumseh | 0.6 MI E of 60th Ave NW |
| 30152 | 3 Cell RCB | 60th Ave NW | 0.56 MI S of W Franklin Rd |
| 09863 | 6 - 4 ft Dia. Corrugated Metal Pipes* | W Rock Creek Rd | 0.5 MI E of 60th Ave NW |
| 20663 | 6 - 4 ft Dia. Corrugated Metal Pipes | W Robinson St | 0.3 MI E of 60th Ave NW |
| 19451 | 3 Span P/S Concrete Beam Bridge | W Robinson St | 0.2 MI E of 36th Ave NW |

*Culvert is posted for oversized load (20 Tons)



SHEET DESCRIPTION: Norman Roads and Bridges - East of I-35

Roads

| Route | Limits | | Length (miles) |
|-------------------|-----------------------------------|--------------------------|----------------|
| | From | To | |
| Franklin Rd | 24th Ave NE | N Flood Ave | 4.30 |
| Westminster Rd | SE 164th St | E Indian Hills Rd | 1.00 |
| 48th St | E Indian Hills Rd | E Tecumseh Rd | 2.00 |
| 36th Ave NE | E Indian Hills Rd | E Tecumseh Rd | 2.00 |
| E Indian Hills Rd | I-35 | 0.4 MI E of N Porter Ave | 3.00 |
| E Indian Hills Rd | SH-77 | Westminster Rd | 5.00 |
| 24th Ave NE | E Indian Hills Rd | E Tecumseh Rd | 2.00 |
| E Tecumseh | SH-77 | 48th St | 3.00 |
| N Porter Ave | Franklin Rd | E Indian Hills Rd | 1.00 |
| Pullin Lane | Franklin Rd | End of Pullin Lane | 0.50 |
| 12th Ave NW | E Tecumseh Rd | E Indian Hills Rd | 2.00 |
| 24th Ave NW | Franklin Rd | 0.04 MI S of Franklin Rd | 0.04 |
| Broadway St | Int. of N Porter Rd & Franklin Rd | E Indian Hills Rd | 1.20 |
| N Flood Ave | Franklin Rd | 0.04 MI N of Franklin Rd | 0.04 |

Bridges

| Bridge NBI No. | Structure Type | Route | Location |
|----------------|--------------------------------------|-------------------|--------------------------------|
| 22833 | 1 Span P/S Concrete Beam Bridge | E Indian Hills Rd | 0.30 MI E of 60th Ave NE |
| 10181 | 2 Cell RCB | E Indian Hills Rd | 0.17 MI W of 36th Ave NE |
| 20794 | 1 Span P/S Concrete Beam Bridge | 48th St | 0.4 MI N of Franklin Rd |
| 22642 | 3 Span P/S Concrete Beam Bridge | 36th Ave NE | 0.2 MI N of Franklin Rd |
| 00167 | 3-8.5 ft Dia. Corrugated Metal Pipes | 24th Ave NE | 0.40 MI S of E Indian Hills Rd |
| 22628 | 3 Span P/S Concrete Beam Bridge | 24th Ave NE | 0.10 MI S of Franklin Rd |
| 20609 | 3-8.5 ft Dia. Corrugated Metal Pipes | Franklin Rd | 0.36 MI W of SH-77 |
| 31195 | 3 Span P/S Concrete Beam Bridge | Franklin Rd | 0.37 MI W of 12th Ave NW |
| 31194 | 3 Span P/S Concrete Beam Bridge | Franklin Rd | 0.42 MI W of 12th Ave NW |
| 26488 | 3 Span P/S Concrete Beam Bridge | 12th Ave NW | 0.60 MI S of Franklin Rd |
| 23373 | 3 Span P/S Concrete Beam Bridge | E Indian Hills Rd | 0.10 MI W of 24th Ave NW |



File Attachments for Item:

9. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF AMENDMENT ONE TO CONTRACT K-2223-164: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND RIVER NORTH TRANSIT, LLC (VIA TRANSPORTATION, INC.) IN THE AMOUNT OF \$121,130.20, FOR A REVISED NOT-TO-EXCEED AMOUNT OF \$760,543.20 FOR EXPANSION OF THE MICROTRANSIT PILOT PROGRAM; AND BUDGET APPROPRIATION AS OUTLINED IN THE STAFF REPORT.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 08/08/2023

REQUESTER: Taylor Johnson, Transit and Parking Program Manager

PRESENTER: Shawn O'Leary, Director of Public Works

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF AMENDMENT ONE TO CONTRACT K-2223-164: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND RIVER NORTH TRANSIT, LLC (VIA TRANSPORTATION, INC.) IN THE AMOUNT OF \$121,130.20, FOR A REVISED NOT-TO-EXCEED AMOUNT OF \$760,543.20 FOR EXPANSION OF THE MICROTRANSIT PILOT PROGRAM; AND BUDGET APPROPRIATION AS OUTLINED IN THE STAFF REPORT.

BACKGROUND:

Over the course of fiscal year 2021-2022 (FYE 2022), City staff presented and discussed many modes of transit which prompted a request from Council for a deeper understanding of microtransit. This type of service is relatively new and intended to help fill gaps left between public fixed route bus service and the privatized taxi or rideshare services that many people are familiar with.

Microtransit typically uses cars, vans, or shuttles to provide on-demand or semi-fixed schedule/route services to areas with less population density that do not warrant a larger bus. There are many different ways to implement microtransit services including curb to curb service, corner to corner service, coverage zones for pickup with a specific hub destination, a specific hub origin and coverage zones for destinations, floating stops for fluctuating demand, and various integrations of public and private responsibility.

At the conclusion of FYE 2022, Council amended the FYE 2023 budget to include \$750,000 for a Microtransit Pilot program. In an effort to bring in expertise and fine tune what the service would look like, the City hired the consulting firm HNTB to better understand the goals of the City and explore alternative solutions within the microtransit industry that would meet those goals.

City staff and HNTB conducted two workshops with Council on October 18, 2022 and January 3, 2023 respectively. Following feedback from Councilmembers through those workshops, two recommendations were made. The first was for a microtransit pilot program consisting of turnkey microtransit service that would operate in the late evenings, Monday through Saturday either from 6pm-12am or 7pm-1am, as well as Sundays from 10am-6pm. The second recommendation was to invest in more robust software to improve existing paratransit service in partnership with

EMBARC. The recommendation suggests this service be offered in a defined zone and limited in size, which could be proposed by potential vendors as a response to a Request for Proposal (RFP).

City staff and HNTB then worked to create RFP-2223-59, seeking proposals for a Norman Microtransit Pilot Program. This RFP was issued on March 17, 2023 and included the following goals for the Pilot Program:

- Demonstrate the viability of microtransit to augment fixed route transit service in the City.
- Provide transit service during time periods not currently served by transit in the City.
- Enhance mobility for residents within the core area of the city.

RFP-2223-59 also provided details of what the City expected of the service, such as:

- A zone of covering the downtown and University of Oklahoma main campus at its core and then expanding outward as the budget allowed.
- Days and times of service being Monday through Friday from 7pm-1am, Saturdays from 6pm to midnight, and Sundays from 10am-6pm with the understanding that this may change over the course of the pilot period.
- System operations such as average and maximum walking distance, passenger wait times, and pooled rides.
- Vehicles were to be owned and maintained by the vendor and seat at least 6 passengers with wheelchair accessible vehicles (WAV) available for those that request them.
- Personnel were to be provided by the vendor to successfully operate the system. The vendor is to conduct appropriate background checks and testing, training, and ensure staff are knowledgeable of the ADA rules and regulations.
- Availability of an smartphone application to book rides and fully automate scheduling and dispatching. The customer facing component of the app is to include several features such as the ability to request accessible vehicles, accept payment, verify driver, and to see estimated wait/arrive time and vehicle location.
- Customer service provided by the vendor.
- Fares would be finalized after vendor selection with fare collection conducted by the vendor and decreasing the overall cost of the service to the City. Options for those that are unbanked should be proposed.

Proposals were scored by the selection committee using the evaluation criteria in the RFP which included: responsiveness to scope of work, past performance and references, cost, qualifications of project staff, qualifications of firm, and if the proposal included an Oklahoma-based firm or satellite office.

At the conclusion of the evaluation process, River North Transit, LLC (a wholly owned subsidiary of Via Transportation, Inc.) was selected as the most qualified proposer and Council approved Contract K-2223-164 on June 27, 2023. River North Transit (Via) will be joined by Anglin PR, a local disadvantage business enterprise (DBE)-certified marketing and engagement firm, as a sub consultant assisting with public engagement.

The scope of services shown in Exhibit A of K-2223-164 meets all of the requirements of the RFP. It is expected that some of the specifics of the service, such as the zone or fare, may be altered during the pilot period as both parties gain better understanding of the travel demands during the pilot program. Some highlights of the scope of services are:

- The zone for the pilot is based on the pilot budget and expected high demand areas. The zone was initially proposed by the vendor and then slightly modified in some areas through discussions with City staff. An image of the proposed zone is in Exhibit A.
- Following discussions with the vendor, the fare is proposed to be a flat rate of \$2 per ride plus an additional \$1 per extra passenger accompanying the rider. Half fare will be available for seniors and those with disabilities.
- Nearly all rides will be offered on a corner-to-corner model, where the rider may be expected to meet the service vehicle at a specific location nearby. Those with disabilities will be offered a curb-to-curb service. All rides will be shared or grouped together as much as possible to make the service more efficient and cost effective.

The requirements for operating characteristics and metrics listed below were included in the RFP and will be used as a part of the evaluation of the pilot program. It should be noted that the estimates from River North Transit's (Via's) proposal meets or exceeds each of these characteristics.

- Average walking distance: less than 0.10 miles.
- Maximum walking distance: less than 0.25 miles.
- Average wait time: less than 15 minutes.
- Maximum wait time: 20 minutes
- Percentage of on-time ride requests: 80%
- Average time added to shared trips: less than 8 minutes.

Staff anticipates service according to the existing contract to begin on or around the start of the University of Oklahoma fall 2023 semester, or August 21. This microtransit service will operate for 12 months or until August 2024, City Council may choose to extend the services as a part of the FYE 2025 budget process

DISCUSSION:

For many years the University of Oklahoma has offered a "SafeRide" program to students needing a ride between 10pm-3am on Thursday, Friday, and Saturday. This initially began as a way to discourage drinking and driving. That program has evolved over the years from paper vouchers given to contract service providers to now having an app that students can use to book their rides. In addition, the University has found that some students use the service to go grocery shopping late at night or run other errands.

City and University staff have discussed the overlap of the service proposal between the City and Via and the historically provided SafeRide service offered. It was identified that there may be efficiencies in combining resources to have 1 late night transit service for the community. After more discussions, staff from both parties agreed that it would be beneficial to expand the City and Via proposed service to incorporate the University's SafeRide program.

The attached Amendment 1 to contract K-2223-164 shows the River North Transit, LLC (Via) agreeing to the expanded microtransit pilot program for an additional cost not to exceed of \$121,130.20. These are costs associated with incorporating an expansion of service hours, service area, and the need for an additional vehicle to meet the demand of the SafeRide program. Specifically those include:

- Expanding the Thursday, Friday, and Saturday end of service time from 1am to 3am.
- Expanding the zone slightly as shown in the attached agreement. Larger expansions are proposed to the east and southeast of the original proposed zone.
- Increasing the number of vehicles from 4 to 5.

Please note that this is a companion item to the proposed contract K-2324-50 between the University and the City. It is recommended that additional funds in the amount of \$121,130.20 be appropriated into the Transit and Parking Fund, Miscellaneous Services – Transit Operation Contract (account 27550277-44766) which would be reimbursed by the University.

RECOMMENDATION:

1. Staff recommends that City Council approve Amendment 1 to contract K-2223-164 by and between the City of Norman, Oklahoma, and River North Transit, LLC (Via Transportation, Inc.) in the amount of \$121,130.20 for a revised not-to-exceed amount of \$760,543.20 for the expansion of microtransit pilot program as outlined in the staff report and in Exhibit A: Scope of Services found in K-2223-164.
2. Staff recommends that an appropriation of \$121,130.20 be made from the Public Transit Fund, Reimbursements – Other Intergovernmental (account 279-364238) to the Miscellaneous Services – Transit Operation Contract (account 27550277-44766) which will be reimbursed over the pilot period by the University if companion item K-2324-50 is approved.

**AMENDMENT NO 1 TO MICROTRANSIT SERVICES BETWEEN THE CITY OF
NORMAN AND RIVER NORTH TRANSIT, LLC**

THIS AMENDMENT NO. 1 TO MICROTRANSIT SERVICES (this “Amendment”) is made as of _____, 2023 between the City of Norman (“City”), and River North Transit, LLC (the “Consultant”).

RECITALS:

A. The City and the Consultant entered into that certain Microtransit Services (Contract No. K-2223-164), dated June 28, 2023, (the “Agreement”), for microtransit services for the City of Norman to supplement the fixed routes and schedules of its transit services provided within the City of Norman.

B. Pursuant to Exhibit A, the scope of services is defined by set hours and days. That Exhibit is modified as set out in the amended Exhibit A attached.

C. The change in scope of services will allow City of Norman to provide services to students of the University of Oklahoma to allow the University’s Safe Ride program to continue during the hours and days that it has traditionally been offered by the University.

AGREEMENT:

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference, other such good and valuable consideration, the receipts, and sufficiency of which are hereby acknowledged, and the promises and covenants set forth below, The City and Consultant hereby agree as follows:

1. Scope of Service:

A. Refer to amended **Exhibit _A_** for the amended scope of service reflecting the changes required for this expansion of microtransit services.

B. Effective Date. The date this amended scope of services will become effective is August 21, 2023.

C. Compensation. The amount not to exceed will be amended by \$121,130 to an amount not to exceed of \$760,543.

2. Effect of Amendment. In all other respects, the Agreement is affirmed and ratified and, except as expressly modified herein, all terms and conditions of the Agreement shall remain in full force and effect.

[REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK]

[SIGNATURE ON FOLLOWING PAGE]

Contract No. K-2223-164
Amendment No. 1

IN WITNESS WHEREOF, the Parties have executed this AMENDMENT in multiple copies on the respective dates herein below reflected to be effective on the date executed by the City.

CONSULTANT

DocuSigned by:
Dillon Twombly
3D9717A739E245B...
Signature: _____
Name: Dillon Twombly
Title: Manager

THE CITY OF NORMAN

Approved by The Norman Municipal Authority on this _____ day of _____, 2023.

By: _____
Larry Heikkila, Mayor

ATTEST:

By: _____
Brenda Hall, City Clerk

Reviewed and approved for form and legality this 4 day of August, 2023.

M. Poole

Office of the Authority Counsel

Exhibit A (Scope of Services)¹ AMENDED

Date: _____

1. Purpose; Scope

By this service order (the “**Order**”), River North Transit, LLC (“**Consultant**”), a wholly owned subsidiary of Via Transportation, Inc. (“**Via**”) and The City of Norman, Oklahoma (“**City**”) agree to collaborate towards the initiation of City’s demand response transit service in Norman, Oklahoma (as agreed upon by the parties during the planning and design stages of the Pilot) for twelve months following launch thereof, subject to extension by mutual agreement of the parties.

In accordance with the Agreement, Consultant will provide City with technology and technology-enabled integration services (the “**Services**”), acting as a broker coordinating the services of third party service providers to effectuate the on-demand transit service (the “**Pilot**”). Consultant will contract with third party service providers to effectuate such integration, including with fleet managers, vehicle suppliers, driver partners, background check providers, customer service support agencies, a payment processor and insurance brokers and underwriters. Consultant’s Services will include:

- Localization of a proprietary cloud-based dynamic vehicle routing and real-time passenger aggregation system;
- Access to the Via mobile rider application (iOS and Android) for individuals using the City’s service (“**Riders**”) to book and pay for rides through a smartphone;
- Access to booking via a dedicated phone line for Riders who do not have access to a smartphone;
- Access to the Via mobile driver application for drivers to route and service rides through a smartphone or tablet;
- Establish relationship with vehicle rental company (“**Vehicle Partner**”) to provide access to vehicles on a rental basis to independent contractor driver partners (“**Driver Partners**”) who shall provide transportation services;
- Accompanying technical and operational support service;
- Marketing and outreach initiatives as described herein.
- Data sharing and reporting as described herein.

¹ All capitalized terms used but not defined herein shall have the meaning set forth in the Agreement for Microtransit Services signed by River North Transit, LLC and the City (the “**Terms**”).

Conflicts between this Service Order and any other terms and conditions or written agreements between the parties shall be resolved in favor of this Service Order.

2. Duration & Launch Date

The duration of the Pilot shall last for a period of 12 months following the launch date (the “**Initial Term**”), subject to extension by mutual agreement of the parties on terms to be agreed (including any increase in monthly fees for additional months).

The City will provide written notice to proceed to Consultant at least 8 weeks prior to service launch. For the avoidance of doubt, notice to proceed can only be written by City once the contract and appendices (including the Order) are final and signed, and any necessary local and regulatory approvals have been received or registrations completed. Upon receipt of such written notice to proceed, Consultant will commence local preparation for launch (“**Launch Preparation Period**”). Service operation will begin on a mutually agreeable date, no earlier than August 21, 2023, unless Consultant and the City define an alternative mutually agreeable date in writing (“**Launch Date**”).

3. Fees

The Fees for the service described in this Order are:

The table below outlines the payment structure, in which City would be charged an upfront fee, ongoing monthly fees based on vehicle hours. All regulatory fees related to the service will be charged as a pass-through cost. The Pilot shall include a fleet of vehicles as described in Section 4, Service Parameters, subject to extension by mutual agreement of the parties on terms to be agreed (including any change in fees). The total contract value shall not exceed \$760,543 for the initial contract term.

| Norman, OK: Via Total Not-to-Exceed Contract Value | | |
|-----------------------------------------------------------|-------------------------|--------------------|
| | Price per Driver | |
| | Hour | Total Price |
| Fixed (Upfront) Costs | N/A | \$83,078 |
| Total Upfront Cost | ////// | \$83,078 |
| Project Management & Other Operations* | \$32.83 | \$234,538 |
| Driver Pay (Incl. WAV) | \$56.11 | \$400,850 |
| Customer Service | \$5.89 | \$42,078 |
| Total Cost per Driver Hour | \$94.83 | \$677,466 |
| Total Not-to-Exceed Cost to Norman, OK | | \$760,543 |

Note: Pricing excludes all taxes and assumes service hours of: August 21, 2023 to May 11, 2024 - 7:00 PM to 1:00 AM on Monday through Wednesday; 7:00 PM to 3:00 AM on Thursday through Saturday; 10:00 AM to 6:00pm on Sundays. All other days during the term of the Agreement 7:00 PM to 1:00 AM on Monday through Saturday; 10:00 AM to 6:00pm on Sundays

* Includes IT hosting, technology access, operations support, and other miscellaneous costs.

Driver Hours Summary:

| | |
|-------------------------------------|-------|
| Total Implied Driver Hours | 7,145 |
| Total Implied Driver Hours (Weekly) | 137 |

Service Hours Summary:

| | |
|--------------------------------------|-------|
| Total Implied Service Hours | 2,528 |
| Total Implied Service Hours (Weekly) | 49 |

City will be billed for the above fees as described below. Fees assume Launch Date occurs within four months of contract signing. If the Launch Date is delayed beyond four months of contract signing, Consultant may opt to renegotiate the fees. Ongoing Invoice Fees will be billed payable in advance on the first of the month and as further specified below. City shall pay the following fees to Consultant:

Fixed (Upfront) Costs

City shall pay to Consultant a non-refundable installation fee of \$83,078, which will be payable in full upon signing of this Agreement. In addition to technology localization costs, installation fee includes WAV retrofits and vehicle wraps. Should City require additional WAV retrofits or vehicle wraps, Consultant will bill City as incurred.

Ongoing Invoice Fees

City shall be responsible for monthly ongoing fees of \$94.83 per vehicle hour (the “**Monthly Subscription Fees**”). A vehicle hour is defined as each hour during which a driver is paid on the Via platform. All fees set forth herein shall be payable by City on a net thirty-day basis. If Consultant does not receive timely payment, Via Entity may suspend Via Entity’s performance and seek cost of collection, including reasonable court ordered attorneys’ fees.

Consultant will provide City with an invoice statement showing the calculation of the Monthly Subscription Fees incurred based on the actual number of vehicle hours that Driver Partners performed during that month in the form attached hereto as Exhibit B. The City hereby agrees that the sample invoice form set forth on Exhibit B is satisfactory to City, both in substance and format, and sufficient to process invoicing such that questions regarding invoice or invoice support

format will not delay payment to Consultant. If City requires additional invoice support, Consultant can use best efforts to provide it, and additional costs may apply.

Should changes in applicable federal, state or local law result in a significant change in Consultant's costs, Consultant or City may opt to renegotiate the ongoing monthly fees. Should changes in applicable market dynamics result in an increase in Consultant's cost per hour of 10% or more to any of the following categories, compared to costs at the time of contract signing, Consultant may amend the ongoing on-demand vehicle hour rate accordingly:

- Labor (driver pay)
- Vehicle rental
- Fuel

Should Consultant elect to adjust the per vehicle hour rate, supporting documentation of the relevant cost increases will be provided to City, and the contract will be amended to reflect the new Fee structure and per vehicle hour rate so that, at the discretion of the City, either:

1. The total not-to-exceed contract value is adjusted such that the total not-to-exceed number of vehicle hours remains unchanged, or
2. The total not-to-exceed number of vehicle hours is adjusted such that the total not-to-exceed contract value remains unchanged.

Fare Revenue

Fare revenue collected (net of processing fees), will be reflected as a credit on the City's invoice on a one month lag.

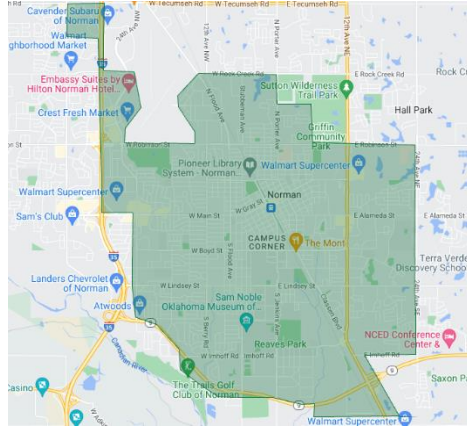
Launch Delay

If the Launch Date is delayed for more than a month by City for any reason, City shall be responsible for paying Consultant for any actual out of pocket costs incurred by Consultant in preparation for launch (the "**Upfront Costs**") and a \$2,000 technology fee for the cost of maintaining the technology infrastructure for City's deployment during the period of delay (the "**Technology Fee**"). The Upfront Costs shall be payable within thirty days from the date City notifies Consultant of the delay and the Technology Fee shall be payable monthly at the beginning of the month in which it is incurred.

4. Service Parameters

Consultant will provide access to a platform service (the "**Platform**") through which Riders will be able to book and pay for rides on a shared and on-demand basis; and dedicated vehicles will be offered by the Vehicle Provider to Driver Partners on a rental basis.

- **Geographic Coverage Zone:** Approximately 16.7 square miles coverage zone in Norman, OK with an approximate shape as indicated in the image below. The final zone will be determined by mutual agreement between City and Consultant.



- **Service Days/Hours:**
- August 21, 2023 to May 11, 2024
 - 7:00 PM to 1:00 AM on Monday through Wednesday; 7:00 PM to 3:00 AM on Thursday through Saturday; 10:00 AM to 6:00pm on Sundays
 - All other days during the term of the Agreement
 - 7:00 PM to 1:00 AM on Monday through Saturday; 10:00 AM to 6:00pm on Sundays
- **Rider Fare:** The baseline rider fare will be \$2.00. Certain riders will be eligible for free rides during the hours of 10:00 PM to 3:00AM on Thursday through Saturday. A list of such riders or method to validate riders eligible for free rides will be provided to Consultant by the City at minimum 3 weeks prior to launch. During the duration of the launch process and the Pilot, rider fare may be amended by mutual agreement between City and Consultant.
- **Payment:** Consultant will ensure acceptance of Rider payment through the app via credit cards and pre-paid debit cards.
- **Fleet:** The Vehicle Provider will offer a fleet of up to five (5) branded, licensed and insured vehicles, to be made available to independent contractor Driver Partners, who will be able to gain access to these vehicles after being registered onto the Platform. One of these five (5) vehicles will be treated as a spare vehicle, which will only be used if one of the core fleet vehicles becomes inoperable. If the branded vehicle fleet is not sufficient to meet service requirements for any reason, Consultant may supplement the fleet with a temporary fleet that would include other makes and models, as necessary in order to increase the supply of vehicle hours. Such vehicles may be unwrapped and identified by magnets.

During the Term of the Agreement, Service Parameters may be modified based on mutual agreement between City and Consultant. City shall be responsible for any cost incurred by Consultant as a result of such changes.

Consultant will ensure the execution of the necessary registrations and licensing to perform the Services, with the cooperation and assistance of the City.

Parking: City shall identify and make available a depot or parking lot with ample overnight parking (at minimum 9 spaces) for the dedicated fleet along with spaces for Driver Partners' personal vehicles. The depot/lot must be in a safe and lighted area inside the boundaries of the service zone.

Drivers will be assigned an access device to the City lot. Consultant will be required to sign an agreement with City for each assigned access device. Consultant will be responsible for any replacement or system costs caused by lost or damaged access devices used by Consultant's drivers. The cost to replace lost or damaged devices will be no more than \$5 per device.

5. Project Team & Governance

Consultant will be responsible for the integration of all relevant elements of the Pilot on a continuous basis during the course of the Pilot and will designate a project manager for this purpose (the "Consultant Project Manager") who will lead Consultant's Project Team. City will designate a project manager to be the primary point of contact with Consultant throughout the duration of the Pilot (the "City Project Manager"). The Consultant Project Manager will be in regular contact with the City Project Manager through informal and scheduled project meetings.

The Consultant Project Manager will be empowered to enact day-to-day decisions related to the Services and will serve as the primary point of contact with the City Project Manager on an ongoing basis. The Consultant Project Manager will appoint members to the Project Team to assist in the integration of the various elements of the Pilot, to include personnel with expertise in service scoping, independent contractor driver outreach and registration to the Platform, fleet maintenance procurement, marketing, and data analytics. For the avoidance of doubt, the Consultant Project Manager will have no power to serve notice or amend the Agreement, or this Order.

Leading up to the launch of, and during the course of the Pilot, Consultant's Project Team, led by the Consultant Project Manager, will liaise with the City Project Manager over the key deliverables of this Order and to endeavor to maximize ongoing service optimization.

6. Driver Partner Registration & Supply Management

Consultant will source Driver Partners to provide transportation services to City through the Platform. Consultant will engage in a good faith effort to register Norman residents as Driver Partners.

Consultant will ensure that Driver Partners have appropriate licenses, permits, and insurance required for the type of vehicles being operated. As part of Driver Partner registration for access to the Platform, all Driver Partners will be introduced to Consultant with the following areas covered: familiarization with the Pilot service areas; hours of service; City's expectations as set out in the Norman Microtransit Pilot Program RFP and Via's proposal; use of the Driver App; and reporting incidents and delays in service.

Consultant will be responsible for ensuring that there is adequate driver supply for each service zone within designated hours to meet demand with optimal quality of service, given constraints.

7. Rider and Driver Partner Support

Consultant will ensure the provision of customer service and support for Driver Partners and Riders on issues that arise in connection with use of the Platform.

Following each ride, the Rider will be prompted to submit a ride rating with feedback in the app. If an issue arises for a Rider or Driver Partner before, during, or after a ride, these parties will be able to reach customer support staff by phone, or by submitting an email ticket, which will be replied to promptly by such customer support staff through Via's global consolidated queues.

8. Marketing, Promotions, & Press

Consultant shall work closely with City to determine a unified marketing and promotional program that increases community awareness of the service and maximizes its success.

The Pilot, including the rider app, will be co-branded as "powered by Via". The "powered by Via" banner must be used only in the exact format provided by Consultant, and will be prominent on all assets promoting the Pilot, including (but not limited to) printed collateral, digital materials, websites, and any vehicle wraps. The "powered by Via" banner will have equal prominence on all marketing materials to any additional partner logos or trademarks. Consultant may provide pre-approved brand assets and guidelines that must be complied with in all marketing communications distributed by the City.

All City-developed content that pertains to Via's brand, technology, and operations must be reviewed and approved in writing (i.e. email) by Consultant before distribution. A minimum of five business days review time must be provided in advance to Consultant for its review.

Consultant shall provide marketing strategy for the Pilot, including the following activities and tactics:

- Develop a marketing plan to guide the overall strategy and tactics to drive Rider awareness, acquisition, and growth.
- Design key marketing collateral (print and digital).
- Design vehicle branding/graphics in coordination with the City.
- Create virality by providing an intuitive and frictionless referral program with customizable incentive structures that creates opportunities for Riders to become the service's biggest ambassadors.
- Develop street marketing programs to effectively drive hyper-local awareness of the service.
- Manage digital marketing campaigns to build awareness and drive service adoption.

- Propose and implement in-app promotional programs to drive Rider activation, retention, growth.
- City shall assist with the execution of the marketing plan and promotion of the Platform to Riders, and will coordinate closely with Consultant in all respects, including the following activities:
- Develop a media relations plan to drive publicity for the service unique to this area, including a press release and kick-off event that is planned in conjunction with Consultant. All key project messaging used for public relations purposes is to be developed in collaboration with Consultant. Any media announcement on the Pilot will be made available for Consultant's review and approval prior to the Launch Date.
- Implement community outreach plan by meeting with key organizations and community members ahead of Launch Date and throughout the duration of Pilot to educate, build awareness, and garner support for the service.
- Engage with local city leaders and politicians; request support in reaching out to their communities through their own communication channels.

9. Data Sharing & Reporting

Consultant will share data from the Pilot as set forth in Appendix 1 (the "Pilot Data").

The Pilot Data shall be made available in formatted numerical and graphical reports.

For the avoidance of doubt, the information above constitutes proprietary trade secrets of Consultant and Via, and shall be subject to the confidentiality obligations set forth in the Agreement.

Appendix 1 to Service Order**Data Sharing****Authorized Users - Contract**

The below exhibit sets forth the members of the City's "Core Team" who are designated authorized users to directly access the Via Solution and Pilot Data. Any access beyond the members of the Core Team would be in violation of the confidentiality provisions in the Terms.

Exhibit 1.

| Core Team | |
|------------------------------------------------------|----------------|
| City of Norman Director of Public Works | Shawn O'Leary |
| City of Norman Transit and Parking Program Manager | Taylor Johnson |
| City of Norman Transit Planner and Grants Specialist | Jason Huff |
| City of Norman Administrative Technician III | Danielle Clark |

Data Sharing Plan - Appendix

As part of the service, Consultant will make below data available to members of the City's Core Team for the purpose of performance tracking and program evaluation. Consultant will only share the data in the Via Operations Center and only make it available to members of the Core Team identified to require access. Consultant will not share underlying data through any other method than Via Operations Center access. The data is considered trade secret by Via, and is subject to the confidentiality and other protective provisions set forth in the Terms. The City will provide Via with staff to be allowed access to the system.

To protect Via's intellectual property and the privacy of Riders, Consultant will provide the following data tables and dashboards in the form of aggregated Via Operations Center reports that will be provided for City's access. These reports will be refreshed daily. The reports are aggregated, de-identified and do not include any personal information of Riders.

| Section A: STANDARD REPORTING SET | |
|-------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Dashboard | Data / Graphs provided |
| <p>Top Level Service Operations Metrics <i>Key service metrics filterable by time period</i></p> | <ul style="list-style-type: none"> ● Total ride requests: the total number of attempts by riders to book a ride (or delivery) from an origin to a destination. ● Requests during service hours: “Total ride requests” made during service hours. ● Met Demand: the total number of Ride Requests that received a ride proposal. ● Met Demand Rate: ‘Met Demand’ out of ‘Total ride requests,’ as a percentage. ● Completed rides: the total number of riders (including additional passengers) successfully transported. ● Completed Rides Rate: ‘Completed Rides’ out of ‘Total ride requests,’ as a percentage. ● Utilization: the average number of passengers transported per vehicle per hour. |
| <p>Service Operations Metrics Graphs <i>Graphs/visualization of key metrics by day, week, month, or specific days of the week</i></p> | <ul style="list-style-type: none"> ● Met Demand: total number of Ride Requests broken out by met demand and rides unable to fulfill. ● Detailed Ride Requests Status: A detailed breakdown of the outcome for each Ride Request (e.g., completed, canceled, no show) ● Utilization: the average number of passengers transported per hour by day |
| <p>Rider Experience <i>Snapshot of quality of service and rider experience</i></p> | <p><i>Top Level Metrics</i></p> <ul style="list-style-type: none"> ● Average Ride Duration: average time in minutes from pickup to dropoff (displayed for completed rides only). ● Average Ride Rating: average ride rating provided by riders (out of 5 stars). ● Average Pickup Walking Distance: walking distance from the origin requested by the rider to the actual pickup location assigned. <p><i>=Rider Experience Graphs (filterable by day, week, month)</i></p> <ul style="list-style-type: none"> ● Average Ride Duration |

| | |
|--------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <ul style="list-style-type: none">● Average Ride Distance● Average Ride Rating● Average Pickup Walking Distance |
| Data Generator: Ride Request Table <i>Detailed table of every ride request made for the service</i> | <i>Data Columns in Table</i> <ul style="list-style-type: none">● Request Creation Date● Request Creation Time● Request ID● Request Status● Rider ID● Wheelchair Accessible● Number of Passengers● Origin Address● Origin Latitude● Origin Longitude● Destination Address● Destination Lat● Destination Long● Ride Price● Ride Distance● Ride Duration (min) |

**Exhibit B
Invoice and Data Backup**

Invoice

Date

Invoice #

**River North Transit, LLC
Via Transportation, Inc.
10 Crosby Street, Floor 2
15
New York, NY 10013
United States**

**Terms Net
Due Date
PO #
Billing Period**

**Bill To
City of Norman, Oklahoma
201 W Gray St,
Norman, OK 73069**

| Description | Rate | Quantity | Amount |
|---------------------|------|----------|--------|
| Total Vehicle Hours | | | |

Total

**Please make checks payable to:
River North Transit LLC
P.O. Box
7410493
Chicago,
IL 60674-
0493**

City - Vehicle Hours Support

Support for all invoicing shall be provided using the template below. The table shall include vehicle hours and corresponding vehicle ID per vehicle for each day of the month in which the deployment and such vehicle is in service. This template is standard and will contain the information shown below. Any invoice-related questions can be directed to ar@ridewithvia.com.

CONFIDENTIAL

| Date | Driver ID | Van ID | Van Hours |
|-----------|-----------|--------|-----------|
| 7/1/2021 | 14 | 34 | 6.05 |
| 7/1/2021 | 68 | 14 | 8.07 |
| 7/1/2021 | 79 | 15 | 13.89 |
| 7/2/2021 | 37 | 15 | 5.49 |
| 7/2/2021 | 37 | 35 | 5.15 |
| 7/2/2021 | 68 | 15 | 8.37 |
| 7/2/2021 | 70 | 14 | 5.56 |
| 7/2/2021 | 71 | 35 | 9.02 |
| 7/5/2021 | 28 | 35 | 5.15 |
| 7/5/2021 | 30 | 14 | 7.84 |
| 7/5/2021 | 63 | 35 | 6.47 |
| 7/6/2021 | 28 | 35 | 14.75 |
| 7/6/2021 | 63 | 15 | 6.01 |
| 7/6/2021 | 79 | 15 | 8.28 |
| 7/7/2021 | 14 | 35 | 8.65 |
| 7/7/2021 | 79 | 15 | 15.01 |
| 7/8/2021 | 14 | 35 | 15.82 |
| 7/8/2021 | 39 | 15 | 7.90 |
| 7/8/2021 | 79 | 15 | 6.02 |
| 7/8/2021 | 82 | 14 | 8.35 |
| 7/9/2021 | 39 | 15 | 8.14 |
| 7/9/2021 | 82 | 14 | 8.38 |
| 7/9/2021 | 88 | 15 | 6.19 |
| 7/12/2021 | 14 | 35 | 8.50 |
| 7/12/2021 | 48 | 14 | 6.01 |
| 7/12/2021 | 63 | 14 | 8.03 |
| 7/12/2021 | 79 | 15 | 14.86 |
| 7/13/2021 | 14 | 15 | 8.52 |
| 7/13/2021 | 14 | 35 | 7.19 |
| 7/13/2021 | 37 | 35 | 0.70 |
| 7/13/2021 | 63 | 14 | 6.58 |
| 7/13/2021 | 68 | 15 | 6.31 |
| 7/14/2021 | 14 | 35 | 8.49 |
| 7/14/2021 | 53 | 35 | 5.49 |
| 7/14/2021 | 63 | 14 | 6.22 |
| 7/14/2021 | 88 | 14 | 4.87 |
| 7/15/2021 | 14 | 35 | 8.53 |
| 7/15/2021 | 39 | 14 | 6.36 |
| 7/15/2021 | 68 | 15 | 6.35 |
| 7/15/2021 | 82 | 14 | 8.50 |
| 7/16/2021 | 28 | 35 | 15.41 |
| 7/16/2021 | 79 | 15 | 15.34 |
| 7/16/2021 | 82 | 14 | 8.20 |
| 7/16/2021 | 86 | 14 | 5.94 |
| 7/19/2021 | 48 | 14 | 6.50 |
| 7/19/2021 | 53 | 35 | 7.95 |
| 7/19/2021 | 88 | 14 | 7.85 |
| 7/20/2021 | 28 | 12 | 14.80 |
| 7/20/2021 | 35 | 15 | 8.14 |
| 7/20/2021 | 63 | 14 | 6.25 |
| 7/20/2021 | 63 | 15 | 6.85 |
| 7/20/2021 | 88 | 14 | 7.71 |
| 7/21/2021 | 39 | 12 | 7.83 |
| 7/21/2021 | 63 | 15 | 7.01 |



CONFIDENTIAL

| Date | Driver ID | Van ID | Van Hours |
|--------------|-----------|--------|---------------|
| 7/21/2021 | 88 | 14 | 7.37 |
| 7/22/2021 | 39 | 12 | 8.11 |
| 7/22/2021 | 79 | 15 | 7.48 |
| 7/22/2021 | 82 | 22 | 8.33 |
| 7/22/2021 | 88 | 15 | 6.66 |
| 7/23/2021 | 28 | 12 | 15.04 |
| 7/23/2021 | 79 | 15 | 15.21 |
| 7/23/2021 | 82 | 22 | 14.26 |
| 7/26/2021 | 63 | 12 | 15.25 |
| 7/26/2021 | 79 | 15 | 14.16 |
| 7/26/2021 | 86 | 22 | 6.15 |
| 7/26/2021 | 88 | 22 | 7.57 |
| 7/27/2021 | 28 | 12 | 15.19 |
| 7/27/2021 | 63 | 22 | 4.48 |
| 7/27/2021 | 79 | 15 | 7.82 |
| 7/27/2021 | 88 | 22 | 8.03 |
| 7/28/2021 | 48 | 12 | 6.69 |
| 7/28/2021 | 63 | 12 | 8.61 |
| 7/28/2021 | 79 | 15 | 14.92 |
| 7/28/2021 | 88 | 22 | 7.86 |
| 7/29/2021 | 70 | 12 | 6.14 |
| 7/29/2021 | 70 | 22 | 6.04 |
| 7/29/2021 | 79 | 15 | 7.73 |
| 7/29/2021 | 88 | 22 | 7.83 |
| 7/30/2021 | 28 | 12 | 7.04 |
| 7/30/2021 | 63 | 12 | 7.55 |
| 7/30/2021 | 63 | 15 | 5.32 |
| 7/30/2021 | 86 | 22 | 5.19 |
| 7/30/2021 | 88 | 22 | 7.85 |
| Total | | | 701.73 |



File Attachments for Item:

10. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-17: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND CIMARRON CONSTRUCTION COMPANY, LLC IN THE AMOUNT OF \$2,631,347; PERFORMANCE BOND B-2324-17; STATUTORY BOND B-2324-18; MAINTENANCE BOND MB-2324-7 FOR THE SOUTHLAKE WATERLINE REPLACEMENT PROJECT; AND APPROPRIATION OF WATER FUND BALANCE.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 08/08/2023

REQUESTER: Rachel Croft, Staff Engineer

PRESENTER: Rachel Croft, Staff Engineer

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-17 BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND CIMARRON CONSTRUCTION COMPANY, LLC IN THE AMOUNT OF \$2,631,347; PERFORMANCE BOND B-2324-17; STATUTORY BOND B-2324-18; MAINTENANCE BOND MB-2324-7 FOR THE SOUTHLAKE WATERLINE REPLACEMENT PROJECT; AND APPROPRIATION OF WATER FUND BALANCE.

BACKGROUND:

The existing waterlines in the Southlake Addition, located between Cedar Lane and State Highway 9, just east of Classen Blvd (SH77), are made of ductile iron that were installed in the 1980s and have experienced a significant amount of corrosion, causing water main breaks that impact water service to the neighborhood. This project will install approximately 7,500 linear feet of 8-inch polyvinyl chloride (PVC) pipe.

DISCUSSION:

The Invitation to Bid (Bid 2324-7) for the Southlake Waterline Replacement Project (WA0352) was published in the Norman Transcript on June 15 and June 22, 2023. It contained a Base Bid for the installation of 7,205 feet of waterline within the Southlake Addition. An Alternate Bid was added to include the replacement of 950 feet of 6-inch waterline at 1932 East Lindsey Street. These waterlines have had a significant number of breaks within the last fiscal year, warranting their replacement.

Two (2) contractors submitted bids. The bids ranged from \$2,089,502 to \$2,198,003 for the Base Bid and \$503,800 to \$541,845 for the Alternate Bid. Cimarron Construction Company, LLC was the low bidder with a Total Bid of \$2,631,347 (the bid results are shown in the attached bid summary). Both staff and the engineering firm, Smith Roberts Baldischwiler, LLC ("SRB", letter attached) recommend award for both the Base Bid and Alternate Bid to Cimarron Construction Company, LLC.

The Southlake Waterline Replacement, Construction account (31996683-46101; Project WA0352) has an available balance of \$1,062,807.73. Staff proposes a budget appropriation

from the Water Fund Balance (account 31-29900) in the amount of \$1,700,000 to the Southlake Waterline, Construction account (31996683-46101; Project WA0352), for a total of \$2,762,807.73. This should be sufficient to fully fund the project and will provide \$131,460.73, or approximately five percent (5%), for unforeseen contingencies.

Work on this project will commence after Norman Utility Authority (NUA) approval of the contract and will end in May 2024. Work at 1932 East Lindsey will be completed first, to address the recent increase in main breaks at this location and the ancillary costs for the repairs.

RECOMMENDATION:

Staff recommends the NUA accept bids meeting project specifications, award Bid 2324-7 to Cimarron Construction Company, LLC for the Southlake Waterline Replacement Project in the amount of \$2,631,347. Staff further recommends approval of Contract K-2324-17 and associated performance, statutory, and maintenance bonds in the amount of the bid.

Staff further recommends the appropriation of Water Fund balance (account 31-29900) in the amount of \$1,700,000 to the Southlake Waterline, Construction account (31996683-46101; Project WA0352).

Norman Utilities Authority
Project WA0352
Southlake Waterline Replacement

Contract K-2324-17
Bid No. 2324-7

CONTRACT

THIS CONTRACT by and between the NORMAN UTILITIES AUTHORITY, a Public Trust of the State of Oklahoma, hereinafter designated as the AUTHORITY, and Cimarron Construction Company, LLC 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 WA0352
SOUTHLAKE WATERLINE REPLACEMENT
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:

Two Million, Six Hundred Thirty-One Thousand, Three Hundred Forty-Seven Dollars and No Cents
(\$2,631,347.00)

NOW, THEREFORE, for and in consideration of the mutual agreements, and covenants herein contained, the parties to this CONTRACT have agreed, and hereby agree, as follows:

1) The CONTRACTOR shall, in 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:

Norman Utilities Authority
 Project WA0352
 Southlake Waterline Replacement

Contract K-2324-17
 Bid No. 2324-7

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.

2) 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 two hundred eighty-five (285) calendar days following receipt of NOTICE-TO-PROCEED.

3) 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 SEVEN HUNDRED DOLLARS (\$700) 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.

- 4) 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.

5) 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.

6) 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 WA0352
Southlake Waterline Replacement

Contract K-2324-17
Bid No. 2324-7

7) 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

8) 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.

9) 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.

10) 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 Cimarron Construction Company, LLC CONTRACTOR.

I further certify that neither the CONTRACTOR nor the anyone subject to the he/his 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.

Cimarron Construction Company, LLC
(Bidder Company Name)

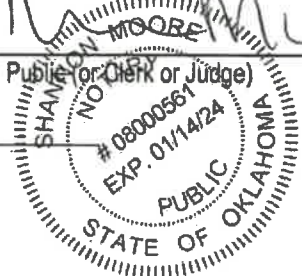
By: Don E. Noble
Don E. Noble, President
(printed/typed name and title)



Subscribed and sworn to before me this 24th day of July, 2023.

Shannon Moore
Notary Public for Clerk or Judge

My Commission Expires: January 14, 2024
#08000561



(SEAL)

Norman Utilities Authority
Project WA0352
Southlake Waterline Replacement

Contract K-2324-17
Bid No. 2324-7

IN WITNESS WHEREOF, AUTHORITY and CONTRACTOR have executed this AGREEMENT;

DATED this 24th day of July, 2023

ATTEST

Corporate Secretary (where applicable)

(Corporate Seal) (where applicable)

Cimarron Construction Company, LLC
PRINCIPAL



Signed: _____
Authorized Representative

Don E. Noble, President
Name and Title

Address: 3501 NE 63rd St., OKC, OK 73121

Telephone: 405-728-1555

NORMAN UTILITIES AUTHORITY

APPROVED as to form and legality this 4 day of August, 2023.

AUTHORITY Attorney

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

NORMAN UTILITIES AUTHORITY

ATTEST

By: _____

Title: Chairman

Secretary

Bond No. 9432212

Norman Utilities Authority
Project WA0352
Southlake Waterline Replacement

Contract K-2324-17
Bid No. 2324-7
B-2324-17

PERFORMANCE BOND

Know all men by these presents that Cimarron Construction Company, LLC, as PRINCIPAL, and Fidelity and Deposit Company of Maryland, a corporation organized under the laws of the State of Illinois, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto NORMAN UTILITIES AUTHORITY, a Public Trust of the State of Oklahoma, herein called AUTHORITY, in the sum of Two Million, Six Hundred Thirty-One Thousand, Three Hundred Forty-Seven Dollars and No Cents (\$2,631,347.00), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

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

PROJECT WA0352
SOUTHLAKE WATERLINE REPLACEMENT
NORMAN, OKLAHOMA

has entered into a written CONTRACT (K-2324-17) with the AUTHORITY, dated 7/24/2023 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 WA0352
Southlake Waterline Replacement

Contract K-2324-17
Bid No. 2324-7
8-2324-17

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 24th day of July, 2023, 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 24th day of July, 2023.

(Corporate Seal) (where applicable)

ATTEST

Corporate Secretary (where applicable)

Cimarron Construction Company, LLC
PRINCIPAL



Signed:

Don E. Noble
Authorized Representative

Don E. Noble, President
Name and Title

Address: 3501 NE 63rd St., Oklahoma City, OK 73121

Telephone: 405-728-1555

(Corporate Seal)

ATTEST

Becky Killman
~~Corporate Secretary~~ Becky Killman, Witness

Fidelity and Deposit Company of Maryland
SURETY

Signed: Deborah L. Raper
Authorized Representative

Deborah L. Raper, Attorney-in-Fact
Name and Title

Address: 9401 Cedar Lake Avenue, Oklahoma City, OK 73114

Telephone: 405-418-8600



Norman Utilities Authority
Project WA0352
Southlake Waterline Replacement

Contract K-2324-17
Bid No. 2324-7
B-2324-17

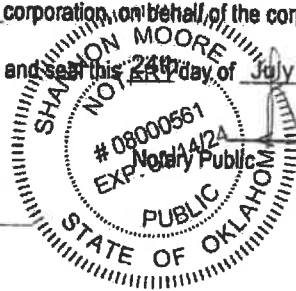
CORPORATE ACKNOWLEDGEMENT

STATE OF Oklahoma)
COUNTY OF Oklahoma)§

The foregoing instrument was acknowledged before me this 24th day of July,

20 23 by Don E. Noble, President of Cimarron Construction Company, LLC
Name and Title Contractor
a Oklahoma corporation, on behalf of the corporation.

WITNESS my hand and seal this 24th day of July, 20 23.



My Commission Expires: January 14, 2024
#08000561

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: _____

Bond No. 9432212

Norman Utilities Authority
Project WA0352
Southlake Waterline Replacement

Contract K-2324-17
Bid No. 2324-7
B-2324-18

STATUTORY BOND

Know all men by these presents that Cimarron Construction Company, LLC, as PRINCIPAL, and Fidelity and Deposit Company of Maryland, a corporation organized under the laws of the State of Illinois, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto NORMAN UTILITIES AUTHORITY, a Public Trust of the State of Oklahoma, herein called AUTHORITY, in the sum of Two Million, Six Hundred Thirty-One Thousand, Three Hundred Forty-Seven Dollars and No Cents (\$2,631,347.00), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

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

PROJECT WA0352
SOUTHLAKE WATERLINE REPLACEMENT
NORMAN, OKLAHOMA

has entered into a written CONTRACT (K-2324-17) with the AUTHORITY, dated 7/24/2023 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 WA0352
Southlake Waterline Replacement

Contract K-2324-17
Bid No. 2324-7
B-2324-18

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 24th day of July, 2023, 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 24th day of July, 2023.

(Corporate Seal) (where applicable)

ATTEST

Corporate Secretary (where applicable)

Cimarron Construction Company, LLC
PRINCIPAL

Signed:

Don E. Noble
Authorized Representative



Don E. Noble, President
Name and Title

Address: 3501 NE 63rd St., Oklahoma City, OK 73121

Telephone: 405-728-1555

(Corporate Seal)

ATTEST

Becky Killman
~~Corporate Secretary~~ Becky Killman, Witness

Fidelity and Deposit Company of Maryland
SURETY

Signed:

Deborah L. Raper
Authorized Representative

Deborah L. Raper, Attorney-in-Fact
Name and Title

Address: 9401 Cedar Lake Avenue, Oklahoma City, OK 73114

Telephone: 405-418-8600



Bond No. 9432212

Norman Utilities Authority
Project WA0352
Southlake Waterline Replacement

Contract K-2324-17
Bid No. 2324-7

MAINTENANCE BOND

Know all men by these presents that Cimaron Construction Company, LLC, as PRINCIPAL, and Fidelity and Deposit Company of Maryland, a corporation organized under the laws of the State of Illinois and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto NORMAN UTILITIES AUTHORITY, a Public Trust of the State of Oklahoma, herein called AUTHORITY, in the sum of Two Million, Six Hundred Thirty-One Thousand, Three Hundred Forty-Seven Dollars and No Cents (\$2,631,347.00), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

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

PROJECT WA0352
SOUTHLAKE WATERLINE REPLACEMENT
NORMAN, OKLAHOMA

has entered into a written CONTRACT (K-2324-17) with the AUTHORITY, dated 7/24/2023 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 WA0352
Southlake Waterline Replacement

Contract K-2324-17
Bid No. 2324-7

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 24th day of July, 2023, 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 24th day of July, 2023.

(Corporate Seal) (where applicable)
ATTEST

Corporate Secretary (where applicable)

Cimarron Construction Company LLC
PRINCIPAL



Signed: *Don E. Noble*
Authorized Representative

Don E. Noble, President
Name and Title

Address: 3501 NE 63rd St., Oklahoma City, OK 73121

Telephone: 405-728-1555

(Corporate Seal)

ATTEST

Becky Killman
Corporate Secretary, Becky Killman, Witness

Fidelity and Deposit Company of Maryland
SURETY

Signed: *Deborah L. Raper*
Authorized Representative

Deborah L. Raper, Attorney-in-Fact
Name and Title

Address: 9401 Cedar Lake Avenue, Oklahoma City, OK 73114

Telephone: 405-418-8600



Norman Utilities Authority
Project WA0352
Southlake Waterline Replacement

Contract K-2324-17
Bid No. 2324-7

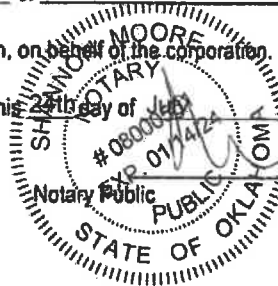
CORPORATE ACKNOWLEDGEMENT

STATE OF Oklahoma)
)§
COUNTY OF Oklahoma)

The foregoing instrument was acknowledged before me this 24th day of July.

20 23, by Don E. Noble, President of Cimarron Construction Company, LLC
Name and Title
a Oklahoma corporation, on behalf of the corporation.

WITNESS my hand and seal this 24th day of July, 20 23.



My Commission Expires: January 14, 2024
#08000561

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: _____

ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by Robert D. Murray, Vice President, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and Clayton HOWELL, Vicki Wilson, Austin K. GREENHAW, J. Kelly DEER, Shelli R. SAMSEL, Travis E. BROWN, Jamie BURRIS, Vaughn P. GRAHAM, Vaughn P. GRAHAM, JR., Stephen M. POLEMAN, Deborah L. RAPER, Dwight A. PILGRIM, Gary LILES, Randy D. WEBB, Bobby Joe YOUNG, Aaron WOOLSEY, Carey L. KENNEMER, Kristin LEWIS, Joshua BRYAN of Tulsa, Oklahoma, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 27th day of October, A.D. 2022.



ATTEST:
ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

By: Robert D. Murray
Vice President

By: Dawn E. Brown
Secretary

State of Maryland
County of Baltimore

On this 27th day of October, A.D. 2022, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, Robert D. Murray, Vice President and Dawn E. Brown, Secretary of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, depose and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Constance A. Dunn, Notary Public
My Commission Expires: July 9, 2023

Authenticity of this bond can be confirmed at bondvalidator.zurichna.com or 410-559-8790

EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this _____ day of _____, _____.



MJ Pethick

By: Mary Jean Pethick
Vice President

TO REPORT A CLAIM WITH REGARD TO A SURETY BOND, PLEASE SUBMIT A COMPLETE DESCRIPTION OF THE CLAIM INCLUDING THE PRINCIPAL ON THE BOND, THE BOND NUMBER, AND YOUR CONTACT INFORMATION TO:

Zurich Surety Claims
1299 Zurich Way
Schaumburg, IL 60196-1056
Ph: 800-626-4577

If your jurisdiction allows for electronic reporting of surety claims, please submit to:
reportsfclaims@zurichna.com

Authenticity of this bond can be confirmed at bondvalidator.zurichna.com or 410-559-8790

| Norman Utilities Authority | | | | |
|-------------------------------------------------|-------------------------|--------------|-----------------|---------------------------------|
| Southlake Waterline Replacement (WA0352) | | | | |
| Bid No. 2324-7 | | | | |
| | | | | |
| Bid Opening Date: | Thursday, July 13, 2023 | | | |
| Bid Opening Time: | 2:00 PM | | | |
| | | | | |
| <u>Company</u> | <u>City</u> | <u>State</u> | <u>Base Bid</u> | <u>Base Bid + Alternate Bid</u> |
| | | | | |
| 1 Cimarron Construction Company | Oklahoma City | OK | \$2,089,502.00 | \$2,631,347.00 |
| 2 Southwest Water Works | Oklahoma City | OK | \$2,198,003.00 | \$2,701,803.00 |



July 13, 2023

Nathan Madenwald
City of Norman - Utilities
225 N. Webster Avenue
Norman, OK 73069

RE: **WA-0352 Southlake Waterline Replacement**

Dear Mr. Madenwald:

Following are the bid results for the bids received on **July 13th, 2023** for the above referenced project:

| CONTRACTOR | BASE BID | ALTERNATE BID | TOTAL BID |
|-------------------------------|-----------------|---------------|----------------|
| Cimarron Construction Company | \$ 2,089,502.00 | \$541,845.00 | \$2,631,347.00 |
| Southwest Water Works | \$ 2,198,003.00 | \$503,800.00 | \$2,701,803.00 |

The Engineer recommends award of the above referenced project for the following amount to the lowest responsible bidder, **Cimarron Construction Company**

TOTAL BID AMOUNT..... \$ 2,631,347.00

Should you have any questions or comments, please contact our office.

Sincerely,

Smith Roberts Baldischwiler, L.L.C.

Marc A. Long, P.E.
Project Engineer

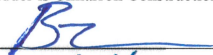



Attachment

WA-0352
 Southlake Water Replacement
 City of Norman, Oklahoma
 Bids Received July 13, 2023

| Item # | Item | Qty | Unit | Cimarron Construction Company | | Southwest Water Works | |
|--------|-------------------------------------------------------------------|------|------|-------------------------------|------------------------|-----------------------|------------------------|
| | | | | Price | Total | Price | Total |
| 1 | 8-INCH DIAMETER PVC BY OPEN CUT (DR-18) | 7205 | L.F. | \$ 97.00 | \$ 698,885.00 | \$ 170.00 | \$ 1,224,850.00 |
| 2 | 8-INCH X 8-INCH CROSS | 1 | EA. | \$ 2,150.00 | \$ 2,150.00 | \$ 1,200.00 | \$ 1,200.00 |
| 3 | 8-INCH X 6-INCH REDUCER | 1 | EA. | \$ 600.00 | \$ 600.00 | \$ 500.00 | \$ 500.00 |
| 4 | 8-INCH X 6-INCH TEE | 1 | EA. | \$ 1,145.00 | \$ 1,145.00 | \$ 800.00 | \$ 800.00 |
| 5 | 8-INCH X 8-INCH TEE | 8 | EA. | \$ 1,255.00 | \$ 10,040.00 | \$ 900.00 | \$ 7,200.00 |
| 6 | 8-INCH X 11.25 DEGREE BEND | 19 | EA. | \$ 790.00 | \$ 15,010.00 | \$ 500.00 | \$ 9,500.00 |
| 7 | 8-INCH X 22.5 DEGREE BEND | 15 | EA. | \$ 815.00 | \$ 12,225.00 | \$ 550.00 | \$ 8,250.00 |
| 8 | 8-INCH X 45 DEGREE BEND | 11 | EA. | \$ 905.00 | \$ 9,955.00 | \$ 600.00 | \$ 6,600.00 |
| 9 | 8-INCH PLUG | 7 | EA. | \$ 2,080.00 | \$ 14,560.00 | \$ 250.00 | \$ 1,750.00 |
| 10 | 8-INCH CAP | 2 | EA. | \$ 2,125.00 | \$ 4,250.00 | \$ 250.00 | \$ 500.00 |
| 11 | 12-INCH X 8-INCH TAPPING SLEEVE | 2 | EA. | \$ 4,870.00 | \$ 9,740.00 | \$ 2,500.00 | \$ 5,000.00 |
| 12 | 8-INCH TAPPING VALVE & BOX | 2 | EA. | \$ 3,950.00 | \$ 7,900.00 | \$ 3,000.00 | \$ 6,000.00 |
| 13 | 8-INCH GATE VALVE & VALVE BOX | 30 | EA. | \$ 2,640.00 | \$ 79,200.00 | \$ 3,000.00 | \$ 90,000.00 |
| 14 | CONNECT TO EXISTING WATERLINE (6-INCH) | 1 | EA. | \$ 1,900.00 | \$ 1,900.00 | \$ 800.00 | \$ 800.00 |
| 15 | CONNECT TO EXISTING WATERLINE (8-INCH) | 1 | EA. | \$ 2,575.00 | \$ 2,575.00 | \$ 600.00 | \$ 600.00 |
| 16 | FIRE HYDRANT ASSEMBLY | 21 | EA. | \$ 8,600.00 | \$ 180,600.00 | \$ 9,500.00 | \$ 199,500.00 |
| 17 | SINGLE SHORT WATER SERVICE (1-INCH) | 53 | EA. | \$ 2,800.00 | \$ 148,400.00 | \$ 1,200.00 | \$ 63,600.00 |
| 18 | SINGLE LONG WATER SERVICE (1-INCH) | 83 | EA. | \$ 3,335.00 | \$ 276,805.00 | \$ 1,600.00 | \$ 132,800.00 |
| 19 | CHLORINE INJECTION TAP | 2 | EA. | \$ 1,995.00 | \$ 3,990.00 | \$ 800.00 | \$ 1,600.00 |
| 20 | SOLID SLAB SODDING | 5118 | S.Y. | \$ 4.00 | \$ 20,472.00 | \$ 3.50 | \$ 17,913.00 |
| 21 | REMOVE & RESET MAILBOX | 1 | EA. | \$ 1,185.00 | \$ 1,185.00 | \$ 250.00 | \$ 250.00 |
| 22 | REMOVE & RESET SIGN | 7 | EA. | \$ 475.00 | \$ 3,325.00 | \$ 50.00 | \$ 350.00 |
| 23 | REMOVE & REPLACE SIDEWALK | 2000 | S.Y. | \$ 122.00 | \$ 244,000.00 | \$ 80.00 | \$ 160,000.00 |
| 24 | REMOVE & REPLACE DRIVEWAY | 423 | S.Y. | \$ 220.00 | \$ 93,060.00 | \$ 130.00 | \$ 54,990.00 |
| 25 | REMOVE & REPLACE ASPHALT PAVEMENT | 285 | S.Y. | \$ 255.00 | \$ 72,675.00 | \$ 150.00 | \$ 42,750.00 |
| 26 | REMOVE & REPLACE CURB AND GUTTER | 160 | L.F. | \$ 70.00 | \$ 11,200.00 | \$ 45.00 | \$ 7,200.00 |
| 27 | REMOVE & REPLACE FLUME | 2 | EA. | \$ 2,550.00 | \$ 5,100.00 | \$ 800.00 | \$ 1,600.00 |
| 28 | REMOVE & REPLACE FENCE | 10 | L.F. | \$ 25.00 | \$ 250.00 | \$ 30.00 | \$ 300.00 |
| 29 | REMOVAL OF FIRE HYDRANT | 16 | EA. | \$ 495.00 | \$ 7,920.00 | \$ 600.00 | \$ 9,600.00 |
| 30 | ADA TACTILE SURFACE | 10 | EA. | \$ 3,030.00 | \$ 30,300.00 | \$ 250.00 | \$ 2,500.00 |
| 31 | TEMPORARY EROSION & SEDIMENT CONTROL | 1 | L.S. | \$ 5,300.00 | \$ 5,300.00 | \$ 5,000.00 | \$ 5,000.00 |
| 32 | MOBILIZATION/DEMOBILIZATION AND INSURANCE (5% MAX) | 1 | L.S. | \$ 74,500.00 | \$ 74,500.00 | \$ 65,000.00 | \$ 65,000.00 |
| 33 | CONSTRUCTION STAKING AND AS-BUILT SURVEY | 1 | L.S. | \$ 24,250.00 | \$ 24,250.00 | \$ 25,000.00 | \$ 25,000.00 |
| 34 | COLOR AUDIO/VIDEO RECORDING, PRE-POST CONSTRUCTION | 1 | L.S. | \$ 1,500.00 | \$ 1,500.00 | \$ 20,000.00 | \$ 20,000.00 |
| 35 | CONSTRUCTION TRAFFIC CONTROL | 1 | L.S. | \$ 4,760.00 | \$ 4,760.00 | \$ 20,000.00 | \$ 20,000.00 |
| 36 | SITE CLEARING AND GRUBBING | 1 | L.S. | \$ 9,775.00 | \$ 9,775.00 | \$ 4,500.00 | \$ 4,500.00 |
| | | | | BASE BID TOTAL | \$ 2,089,502.00 | | \$ 2,198,003.00 |
| A1 | 6-INCH DIAMETER PVC BY OPEN CUT (DR-18) | 950 | L.F. | \$ 88.00 | \$ 83,600.00 | \$ 190.00 | \$ 180,500.00 |
| A2 | 6-INCH X 90 DEGREE BEND | 2 | EA. | \$ 665.00 | \$ 1,330.00 | \$ 500.00 | \$ 1,000.00 |
| A3 | 6-INCH X 45 DEGREE BEND | 2 | EA. | \$ 585.00 | \$ 1,170.00 | \$ 450.00 | \$ 900.00 |
| A4 | 6-INCH PLUG | 2 | EA. | \$ 1,530.00 | \$ 3,060.00 | \$ 200.00 | \$ 400.00 |
| A5 | 6-INCH CAP | 2 | EA. | \$ 1,565.00 | \$ 3,130.00 | \$ 200.00 | \$ 400.00 |
| A6 | 12-INCH X 6-INCH TAPPING SLEEVE | 2 | EA. | \$ 4,165.00 | \$ 8,330.00 | \$ 1,800.00 | \$ 3,600.00 |
| A7 | 6-INCH TAPPING VALVE & BOX | 2 | EA. | \$ 3,455.00 | \$ 6,910.00 | \$ 2,500.00 | \$ 5,000.00 |
| A8 | 6-INCH GATE VALVE & BOX | 1 | EA. | \$ 1,745.00 | \$ 1,745.00 | \$ 2,500.00 | \$ 2,500.00 |
| A9 | FIRE HYDRANT ASSEMBLY | 3 | EA. | \$ 8,600.00 | \$ 25,800.00 | \$ 9,500.00 | \$ 28,500.00 |
| A10 | REMOVAL OF FIRE HYDRANT | 2 | EA. | \$ 495.00 | \$ 990.00 | \$ 600.00 | \$ 1,200.00 |
| A11 | SINGLE SHORT WATER SERVICE (1-INCH) | 1 | EA. | \$ 2,800.00 | \$ 2,800.00 | \$ 1,200.00 | \$ 1,200.00 |
| A12 | SINGLE LONG WATER SERVICE (1-INCH) | 1 | EA. | \$ 3,335.00 | \$ 3,335.00 | \$ 1,600.00 | \$ 1,600.00 |
| A13 | SINGLE SHORT SERVICE (2-INCH) WITH 2-INCH X 4 WAY 1-INCH SPLITTER | 6 | EA. | \$ 9,300.00 | \$ 55,800.00 | \$ 8,000.00 | \$ 48,000.00 |
| A14 | SINGLE LONG SERVICE (2-INCH) WITH 2-INCH X 4 WAY 1-INCH SPLITTER | 6 | EA. | \$ 10,200.00 | \$ 61,200.00 | \$ 8,500.00 | \$ 51,000.00 |
| A15 | SINGLE LONG SERVICE (1-INCH) WITH 1-INCH X 2 WAY 1-INCH SPLITTER | 2 | EA. | \$ 4,650.00 | \$ 9,300.00 | \$ 4,000.00 | \$ 8,000.00 |
| A16 | CHLORINE INJECTION TAP | 1 | EA. | \$ 1,995.00 | \$ 1,995.00 | \$ 800.00 | \$ 800.00 |
| A17 | SOLID SLAB SODDING | 200 | S.Y. | \$ 4.00 | \$ 800.00 | \$ 3.50 | \$ 700.00 |
| A18 | REMOVE & REPLACE CONCRETE DRIVEWAY | 1100 | S.Y. | \$ 220.00 | \$ 242,000.00 | \$ 130.00 | \$ 143,000.00 |
| A19 | TEMPORARY EROSION & SEDIMENT CONTROL | 1 | L.S. | \$ 640.00 | \$ 640.00 | \$ 500.00 | \$ 500.00 |
| A20 | MOBILIZATION/DEMOBILIZATION AND INSURANCE (5% MAX) | 1 | L.S. | \$ 23,150.00 | \$ 23,150.00 | \$ 15,000.00 | \$ 15,000.00 |
| A21 | CONSTRUCTION TRAFFIC CONTROL | 1 | L.S. | \$ 4,760.00 | \$ 4,760.00 | \$ 10,000.00 | \$ 10,000.00 |
| | | | | ALTERNATE BID TOTAL | \$ 541,845.00 | | \$ 503,800.00 |
| | | | | TOTAL BID | \$ 2,631,347.00 | | \$ 2,701,803.00 |

The apparent low bidder is Cimarron Construction Company in the amount of \$2,631,347.

Bids Verified By:  Date 7/13/23
 Project Manager:  Date 7/13/23

File Attachments for Item:

11. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-33: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND GARVER, L.L.C. IN THE AMOUNT OF \$87,850 FOR ENGINEERING SERVICES FOR THE WATER RECLAMATION FACILITY AERATION BASIN TURBO BLOWER REPLACEMENT PROJECT AS OUTLINED IN THE STAFF REPORT.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 08/08/2023

REQUESTER: Nathan Madenwald, Utilities Engineer

PRESENTER: Nathan Madenwald, Utilities Engineer

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-33: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND GARVER, L.L.C. IN THE AMOUNT OF \$87,850 FOR ENGINEERING SERVICES FOR THE WATER RECLAMATION FACILITY AERATION BASIN TURBO BLOWER REPLACEMENT PROJECT AS OUTLINED IN THE STAFF REPORT.

BACKGROUND:

The Water Reclamation Facility (WRF) Phase 2 Improvement project included numerous upgrades to increase the average facility capacity from 12 million gallons per day (MGD) to 17 MGD and to rehabilitate or replace existing facilities to provide reliable and resilient treatment. This project was completed and final acceptance of Contract K-1314-136 by the Norman Utilities Authority (NUA) occurred on September 1, 2018.

However, the turbo blowers used for the aeration basin were determined not to operate according to the specifications of the project. This was determined to be at no fault of the contractor since the installation was completed in accordance with the specifications. During the project and following the acceptance of the project, staff has continued to work with the manufacturer to achieve a resolution that will replace the non-compliant equipment. On February 28, 2023, the NUA approved Contract K-2223-119 with Atlas Copco to provide two replacement units at no cost to the NUA.

DISCUSSION:

Pursuant to the agreement with Atlas Copco, engineering services related to the equipment replacement are the responsibility of the NUA. Garver, LLC was the Engineer of Record for the Phase 2 project and has detailed knowledge of the WRF and its aeration systems.

Contract K-2324-33 is proposed for Garver, LLC to provide the following engineering services:

1. Project management services;
2. Design services;
3. Bidding services;
4. Construction administration services; and
5. Application engineering (instrumentation and control) services.

The fee for this work is \$87,850. Funding will be from the WRF Aeration Basin Turbo Blower Replacement design account (32999911-46201 / Project WW0332) which has an available balance of \$90,000.

RECOMMENDATION:

Staff recommends the NUA approve Contract K-2324-33 with Garver, LLC in the amount of \$87,850 for engineering services for the WRF Aeration Basin Turbo Blower Replacement Project.

AGREEMENT
FOR
ENGINEERING SERVICES

This AGREEMENT, between the Norman Utilities Authority (OWNER) and Garver, LLC, (ENGINEER);

WITNESSETH

WHEREAS, OWNER intends to replace existing turbo blowers with new manufacturer-provided units and replace additional standard, centrifugal blowers;

WHEREAS, OWNER requires engineering services, bidding services, construction support services, instrumentation and control services, and as-built record document services more fully described in Attachment B (the SERVICES); and,

WHEREAS, ENGINEER is prepared to provide said SERVICES; and.

NOW THEREFORE, in consideration of the promises contained in this AGREEMENT, OWNER and ENGINEER agree as follows:

ARTICLE 1 - EFFECTIVE DATE

The effective date of this AGREEMENT shall be _____.

ARTICLE 2 - COMPLETION DATE

ENGINEER shall complete the SERVICES in accordance with Attachment A, Project Schedule.

ARTICLE 3 - GOVERNING LAW

The laws of the state of Oklahoma shall govern this AGREEMENT.

ARTICLE 4 - SERVICES TO BE PERFORMED BY ENGINEER

ENGINEER shall perform the SERVICES described in Attachment B, Scope of Services.

ARTICLE 5 - COMPENSATION

OWNER shall pay ENGINEER in accordance with Attachment C, Compensation.

ARTICLE 6 - OWNER'S RESPONSIBILITIES

- 6.1. OWNER-Furnished Data: Upon request, OWNER will provide to ENGINEER all data in OWNER's possession relating to ENGINEER's SERVICES on the PROJECT. Such data may include electronic data available from the OWNER's Geographic Information System (GIS), data generated by OWNER's water distribution system model and existing water quality data. ENGINEER will reasonably rely upon the accuracy, timeliness, and completeness of the information provided by OWNER. OWNER's data is provided for temporary use or copying by ENGINEER.
- 6.2. Access to Facilities and Property: OWNER will make its facilities accessible to ENGINEER as required for ENGINEER's performance of its SERVICES.
- 6.3. Timely Review: OWNER will examine ENGINEER's studies, reports, sketches, drawings, specifications, proposals, and other documents; and transmit OWNER comments or other decisions to ENGINEER in a timely manner.
- 6.4. Meetings: OWNER will participate in monthly progress meetings or other meetings with ENGINEER or contractor(s) defined in Scope of Services.
- 6.5. Advertisements, Permits, and Access: Unless otherwise agreed to in the Scope of Services, OWNER will obtain, arrange, and pay for all advertisements for bids; permits and licenses required by local, state, or

federal authorities; and land, easements, rights-of-way, and access necessary for ENGINEER's SERVICES or PROJECT construction.

- 6.6. Hazardous Substances: If hazardous substances in any form are encountered or suspected, ENGINEER will stop its own work in the affected portions of the PROJECT to permit testing and evaluation. ENGINEER will, if requested by OWNER, conduct tests to determine the extent of the problem and will perform the necessary studies and recommend necessary remedial measures at an additional fee with contract terms to be negotiated. ENGINEER shall not assume any role in the identification, evaluation, treatment, storage, disposal, or transportation of any hazardous substance or waste.

ARTICLE 7 - STANDARD OF CARE

ENGINEER shall exercise the same degree of care skill and diligence in the performance of the SERVICES as is ordinarily possessed and exercised by a professional engineer under similar circumstances. ENGINEER shall correct the SERVICES that fail to satisfy this standard of care. No warranty, express or implied is included in this AGREEMENT or in any drawing, specifications, report or opinion produced pursuant to this AGREEMENT.

ARTICLE 8 - LIABILITY AND INDEMNIFICATION

- 8.1 General. Having considered the potential liabilities that may exist during the performance of the SERVICES, the benefits of the PROJECT, the ENGINEER's fee for the SERVICES and in consideration of the promises contained in this AGREEMENT, OWNER and ENGINEER agree to allocate and limit such liabilities in accordance with this Article.
- 8.2 Indemnification and Liability. The ENGINEER agrees to defend, indemnify, and hold harmless the OWNER, its officers, servants, and employees, from and against legal liability for all claims, losses, damage, cost, and expense (including reasonable attorneys' fees and accountants' fees) caused by a negligent act, error, or omission of the ENGINEER in the performance of services under this Agreement. OWNER agrees to defend, indemnify, and hold harmless the ENGINEER, its officers, servants, and employees, from and against legal liability for all claims, losses, damage, cost, and expense (including reasonable attorneys' fees and accountants' fees) caused by a negligent act, error, or omission of the OWNER in the performance of services under this Agreement, provided such indemnification shall be applicable only to the extent sovereign immunity has been waived pursuant to Oklahoma law. The ENGINEER and the OWNER each agree to promptly service notice on the other party of any claims arising hereunder, and shall cooperate in the defense of such claims. The acceptance by OWNER or its representatives of any certification of insurance providing for coverage other than as required in this Agreement to be furnished by the ENGINEER shall in no event be deemed a waiver of any of the provisions of this indemnity provision. None of the foregoing provisions shall deprive the OWNER of any action, right, or remedy otherwise available to OWNER at common law.
- 8.3 Employee Claims. ENGINEER shall indemnify OWNER against legal liability for damages arising out of claims by ENGINEER's employees. OWNER shall indemnify ENGINEER against legal liability for damages arising out of claims by OWNER's employees.
- 8.4 Consequential Damages. To the fullest extent permitted by law, ENGINEER shall not be liable to OWNER for any special, indirect or consequential damages resulting in any way from the performance of the SERVICES.
- 8.5 Survival. Upon completion of all SERVICES obligations and duties provided for in this AGREEMENT or if this AGREEMENT is terminated for any reason the terms and conditions of this Article shall survive.

ARTICLE 9 - INSURANCE

During the performance of the SERVICES under this AGREEMENT ENGINEER shall maintain the following insurance:

- 9.1 Worker's compensation insurance for ENGINEER's employees as required by Oklahoma Workers Compensation Statutes.
- 9.2 Comprehensive general liability insurance with a minimum of \$125,000 per accident for bodily injury or death and \$25,000 per occurrence for property damage.
- 9.3 Comprehensive automobile liability insurance with a minimum of \$125,000 per accident for bodily injury or death and \$25,000 for property damage.
- 9.4 Professional Liability (errors and omissions) insurance with a minimum policy value of \$1,000,000.

ENGINEER shall furnish OWNER certificates of insurance that shall include a provision that such insurance shall not be canceled without at least thirty days written notice to OWNER. All PROJECT contractors shall be required to include OWNER and ENGINEER as additional insured on their General Liability Insurance policies to the extent of the indemnities provided for in 8.2.

ENGINEER and OWNER each shall require its insurance carriers to waive all rights of subrogation against the other and its directors, officers, partners, commissioners, officials, agents and employees for damages covered by property insurance during and after the SERVICES. A similar provision shall be incorporated into all contractual arrangements entered into by OWNER and shall protect OWNER and ENGINEER to the same extent.

ARTICLE 10 - LIMITATIONS OF RESPONSIBILITY

ENGINEER shall not be responsible for: (1) construction means, methods, techniques, sequences, procedures or safety and security precautions and programs in connection with the PROJECT; (2) the failure of any contractor, subcontractor, vendor or other PROJECT participant, not under contract to ENGINEER, to fulfill contractual responsibilities to the OWNER or to comply with federal, state or local laws, regulations, and codes; or (3) procuring permits, certificates and licenses required for any construction unless such responsibilities are specifically assigned to ENGINEER in Attachment B, Scope of Services.

ARTICLE 11 - OPINIONS OF COST AND SCHEDULE

Since ENGINEER has no control over the cost of labor, materials or equipment furnished by others or over the resources provided by others to meet PROJECT schedules, ENGINEER's opinion of probable costs and of PROJECT schedules shall be made on the basis of experience and qualifications as a professional engineer. ENGINEER does not guarantee that proposals, bids, or actual PROJECT costs will not vary from ENGINEER's cost estimates.

ARTICLE 12 - REUSE OF DOCUMENTS

Upon OWNER's request ENGINEER shall furnish OWNER with deliverables and/or other data on electronic media. All documents, including but not limited to, drawings, specifications and computer software prepared by ENGINEER pursuant to this AGREEMENT are instruments of Service in respect to the PROJECT. Said documents are not intended or represented to be suitable for reuse by OWNER or others on extensions of the PROJECT or on any other PROJECT.

ARTICLE 13 - TERMINATION

This AGREEMENT may be terminated by either party upon written notice in the event of substantial failure by the other party to perform in accordance with the material terms of this AGREEMENT. The non-performing party shall have fifteen (15) calendar days from the date of the termination notice to cure or to submit a plan for cure acceptable to the other party.

OWNER may terminate or suspend performance of this AGREEMENT for OWNER's convenience upon written notice to ENGINEER. ENGINEER shall terminate or suspend performance of the SERVICES on a schedule acceptable to OWNER. If termination or suspension is for OWNER's convenience, OWNER shall pay ENGINEER for

all the SERVICES performed to date, amount not to exceed the normal fee amount due for the SERVICES rendered and termination or suspension expenses. Upon restart, an equitable adjustment shall be made to ENGINEER's compensation.

ARTICLE 14 - DELAY IN PERFORMANCE

Neither OWNER nor ENGINEER shall be considered in default of this AGREEMENT for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this AGREEMENT, such circumstances include, but are not limited to abnormal weather conditions; floods; earthquakes; fire; epidemics; war; riot and other civil disturbances; strikes, work slowdowns and other labor disturbances; sabotage; judicial restraint; and inability to procure permits, licenses, or authorizations from any local, state, or federal agency for any of the supplies, materials, accesses, or SERVICES required to be provided by either OWNER or ENGINEER under this AGREEMENT.

Should such circumstances occur the non-performing party shall, within a reasonable period after being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this AGREEMENT.

ARTICLE 15 - COMMUNICATIONS

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

ENGINEER: Cole Niblett, P.E., Oklahoma Water Lead
Garver, LLC
750 SW 24th Street
Moore, OK 73160
405-928-7555
MCNiblett@GarverUSA.com

OWNER: Kenneth Giannone, Staff Engineer
City of Norman – Utilities Department
225 N Webster Avenue
P.O. Box 370
Norman OK 73069 / 73070
405-366-5377
kenneth.giannone@normanok.gov

Nothing contained in this Article shall be construed to restrict the transmission of routine communications between representatives of ENGINEER and OWNER.

ARTICLE 16 - WAIVER

A waiver by either OWNER or ENGINEER of any breach of this AGREEMENT shall be in writing. Such a waiver shall not affect the waiving party's rights with respect to any other or further breach.

ARTICLE 17 - SEVERABILITY

The invalidity, illegality, or unenforceability of any provision of this AGREEMENT or the occurrence of any event rendering any portion or provision of this AGREEMENT void shall in no way affect the validity or enforceability of any other portion or provision of this AGREEMENT. Any void provision shall be deemed severed from this AGREEMENT, and the balance of this AGREEMENT shall be construed and enforced as if this AGREEMENT did not contain the particular portion or provision held to be void. The parties further agree to amend this AGREEMENT to replace any stricken provision with a valid Provision that comes as close as possible to the intent of the stricken provision. The provisions of this Article shall not prevent this entire AGREEMENT from being void should a provision, which is of the essence of this AGREEMENT, be determined void.

ARTICLE 18 – NON-DISCRIMINATION

In connection with the performance of work under this contract, the ENGINEER agrees as follows:

- A. The ENGINEER agrees not to discriminate against any employee or applicant for employment because of race, color, religion, ancestry, national origin, age, place of birth, disability, sex, sexual orientation, gender identity or expression, familial status, or marital status, including marriage to a person of the same sex. The ENGINEER shall take affirmative action to ensure that employees are treated without regard to their race, color, religion, ancestry, national origin, age, place of birth, disability, sex, sexual orientation, gender identity or expression, familial status, or marital status, including marriage to a person of the same sex. Such actions shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruiting or recruitment, advertising, lay-off, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The ENGINEER and any companies subcontracted shall agree to post in a conspicuous place, available to employees and applicants for employment, notices to be provided by the City Clerk of the City of Norman setting forth the provisions in this section.
- B. In the event of the ENGINEER's noncompliance with this nondiscrimination clause, the contract may be canceled or terminated by the City Council. The ENGINEER may be declared by the City Council ineligible for further contracts with the said agency until satisfactory proof of intent to comply shall be made by the ENGINEER.
- C. The ENGINEER agrees to include this nondiscrimination clause in any subcontracts connected with the performance of this agreement.

ARTICLE 19 - INTEGRATION

This AGREEMENT represents the entire and integrated AGREEMENT between OWNER and ENGINEER. It supersedes all prior and contemporaneous communications, representations, and agreements, whether oral or written, relating to the subject matter of this AGREEMENT. This AGREEMENT, including its attachments and schedules, may only be changed by a written amendment executed by both parties. The following attachments and schedules are hereby made a part of this AGREEMENT:

- Attachment A - Schedule
- Attachment B - Scope of Services
- Attachment C - Compensation

ARTICLE 20 - SUCCESSORS AND ASSIGNS

OWNER and ENGINEER each binds itself and its directors, officers, partners, successors, executors, administrators, assigns, and legal representatives to the other party to this AGREEMENT and to the directors, officers, partners, successors, executors, administrators, assigns, and legal representatives of such other party in respect to all provisions of this AGREEMENT.

IN WITNESS WHEREOF, OWNER and ENGINEER have executed this AGREEMENT.

DATED this _____ day of _____ 20_____.

GARVER, LLC - ENGINEER

By: 
Title: Vice President

ATTEST


Project Manager

Norman Utilities Authority- OWNER

APPROVED as to form and legality this 3 day of August, 2023.


City Attorney

APPROVED by the Trustees of the Norman Utilities Authority this _____ day of _____, 20_____.

ATTEST

By: _____
Title: _____

**ATTACHMENT A
SCHEDULE**

| Task Description | Calendar Days |
|--------------------------------|----------------------------------------------------------------|
| Final (90%) Design Deliverable | 30 days after Owner approval of Preliminary Design Deliverable |
| Bidding Phase Services | 30 days from Owner Advertisement |
| Construction Phase Services | 60 days from Construction Contract Notice to Proceed |
| Record Drawings | 45 days from Construction Completion |
| Application Engineering | Ongoing during construction |

ATTACHMENT B

SCOPE OF SERVICES

Task 1.0 – Project and Quality Management

Engineer will manage all services to complete the project. These services will include preparation of monthly invoices, progress updates, and directing staff and internal resources in a manner so that project milestones and deliverables are met as scheduled.

Engineer will provide quality management services for the project. The Engineer's quality management team will review project deliverables for adherence to schedule and quality expectations.

Task 2.0 – Design Phase Services

Garver will conduct final designs to prepare construction plans and specifications, for one construction contract, including final construction details, special provisions, and OPCC to include contingency. In addition to Garver's standard drawings and technical specifications, Owner's standard front-end documents will be prepared by Owner and utilized for the remainder of the bidding package. Owner or funding agency standard documents will be utilized as necessary.

Upon Owner review of the final design, Garver will conduct an onsite meeting with the Owner to review and discuss, incorporate Owner comments, and prepare the construction documents as required to advertise for bids. Because the replacement of the blowers will not be increasing the capacity nor original design intent of the system, the coordination and pursuit of an Oklahoma Department of Environmental Quality (ODEQ) Construction Permit is not included in this scope of services.

Task 3.0 – Bidding Phase Services

During the bidding phase of the project, Garver will:

1. Prepare and submit Advertisement for Bids to Owner for Owner publication in newspapers and/or trade publications. Owner will pay advertising costs outside of this contract.
2. Dispense construction contract documents to prospective bidders using Garver's online plan room. Electronic documents will be provided at no cost.
3. Support the contract documents by preparing addenda as appropriate.
4. Lead the pre-bid meeting.
5. Attend the bid opening.
6. Prepare bid tabulation.
7. Evaluate bids and recommend award, including attending a City Council meeting.

Task 4.0 – Construction Phase Services

Construction Administration services have been included in this scope of services. Construction Observation services are not anticipated to be necessary, but can be added by written amendment. The proposed fee for Construction Phase Services is based on a 60 calendar-day (2-month) construction contract performance time, assuming that construction will begin once the blowers are received from the Manufacturer. If the construction time extends beyond the time established in this agreement, and the Owner wants Garver to continue the applicable Construction Phase Services (Administration), the Owner will pay Garver an additional fee agreed to by the Owner and Garver. Garver will accomplish the following during the Construction Phase:

1. Issue a Notice to Proceed letter to the Contractor and attend preconstruction meeting.
2. Attend monthly progress/coordination meetings (up to two) with the Owner/Contractor.
3. Evaluate and respond to construction material submittals and shop drawings. Corrections or comments made by Garver on the shop drawings during this review will not relieve Contractor from compliance with requirements of the drawings and specifications. The check will only be for review of general conformance with the design concept of the project and general compliance with the information given in the contract documents. The Contractor will be responsible for confirming and correlating all quantities and dimensions, selecting fabrication processes and techniques of construction, coordinating their work with that of all other trades, and performing their work in a safe and satisfactory manner. Garver's review shall not constitute approval of safety precautions or constitute approval of construction means, methods, techniques, sequences, procedures, or assembly of various components. When certification of performance characteristics of materials, systems or equipment is required by the Contract Documents, either directly or implied for a complete and workable system, Garver shall be entitled to rely upon such submittal or implied certification to establish that the materials, systems or equipment will meet the performance criteria required by the Contract Documents.
4. Issue instructions to the Contractor on behalf of the Owner and issue necessary clarifications (respond to RFIs) regarding the construction contract documents.
5. Review the Contractor's progress payment requests based on the actual quantities of contract items completed and accepted, and will make a recommendation to the Owner regarding payment. Garver's recommendation for payment shall not be a representation that Garver has made exhaustive or continuous inspections to (1) check the quality or exact quantities of the Work; (2) to review billings from Subcontractors and material suppliers to substantiate the Contractor's right to payment; or (3) to ascertain how the Contractor has used money previously paid to the Contractor.
6. Maintain a set of working drawings and prepare and furnish record drawings.
7. When authorized by the Owner, prepare change orders for changes in the work from that originally provided for in the construction contract documents. If redesign or substantial engineering or surveying is required in the preparation of these change order documents, the Owner will pay Garver an additional fee to be agreed upon by the Owner and Garver.
8. Participate in final project inspection, prepare punch list, review final project closing documents, and submit final pay request.

Task 5.0 – Application Engineering

The application engineering services for the WRF will provide updates to the Supervisory Control and Data Acquisition (SCADA) system human-machine interface (HMI) and programmable logic controller (PLC) applications as required for the integration of the new turbo and centrifugal blowers at the WRF as defined in the construction contract documents. The engineer will modify existing SCADA HMI graphic screens and PLC programming to integrate the new blowers into the SCADA system with monitoring, control, and software input/output interface features equivalent to the existing turbo blowers. Further, on-site startup support and coordination for SCADA HMI and PLC application commissioning, and post startup modifications or enhancements to the SCADA HMI and PLC applications will be provided for the aforementioned features to address improvements resulting from commissioning of the new blowers.

Project Deliverables: The following will be submitted to the Owner, or others as indicated, by the Engineer:

1. Electronic copies of all documents and deliverables
2. Three (3) copies of the Final Design Deliverable
3. Three (3) copies of the conformed contract documents for contract execution.
4. One (1) copy of the Record Drawings and closeout documents.

Extra Work: The following items are not included within the scope of this agreement but such services are available from Engineer and will be considered as extra work:

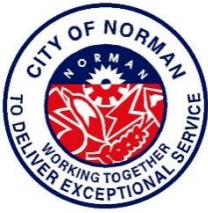
- a. Design services of any kind outside of those described in this Scope of Services
- b. Aeration piping improvements
- c. Change of scope for Owner's convenience or due to changed conditions after previous direction and/or approval
- d. Submittals or deliverables in addition to those listed herein.
- e. Construction materials testing.
- f. Geotechnical testing.
- g. Title II services.
- h. Construction observation services.
- i. Environmental Handling and Documentation.
- j. Aeration system or sub-system HMI and PLC application development, improvement, or enhancement.
- k. Hardware upgrades of computers, network devices, server software, HMI and PLC applications, aeration system or sub-system components.
- l. Troubleshooting beyond software interface between SCADA system and aeration system.
- m. Purchase or installation of software applications or licenses.
- n. Equipment replacement.

**ATTACHMENT C
COMPENSATION**

| Task | Task Description | Compensation by Task |
|-------------|--------------------------------|-----------------------------|
| 1 | Project and Quality Management | \$8,000 |
| 2 | Final (90%) Design Deliverable | \$42,850 |
| 3 | Bidding Phase Services | \$4,000 |
| 4 | Construction Phase Services | \$15,000 |
| 5 | Application Engineering | \$18,000 |

File Attachments for Item:

12. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-44: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND OKLAHOMA GAS & ELECTRIC COMPANY IN THE AMOUNT OF \$407,582.22 FOR RELOCATING OVERHEAD POWER LINES UNDERGROUND ON THE 2019 JENKINS AVENUE WIDENING BOND PROJECT AND BUDGET TRANSFER OF FUNDS AS OUTLINED IN THE STAFF REPORT.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 08/08/2023

REQUESTER: Tim Miles, Capital Projects Manager

PRESENTER: Shawn O'Leary, Public Works Director

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-44: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND OKLAHOMA GAS & ELECTRIC COMPANY IN THE AMOUNT OF \$407,582.22 FOR RELOCATING OVERHEAD POWER LINES UNDERGROUND ON THE 2019 JENKINS AVENUE WIDENING BOND PROJECT AND BUDGET TRANSFER OF FUNDS AS OUTLINED IN THE STAFF REPORT.

BACKGROUND:

On April 2, 2019, the citizens of Norman voted in favor of a \$72 million transportation General Obligation Bond issue, which includes nineteen (19) projects. With the anticipated \$67 million in federal dollars being leveraged for these projects, approximately \$139 million is budgeted for the nineteen (19) projects (please see the attached project list and map showing the approved projects).

On August 19, 2019, City staff advertised Request for Proposal RFP 1920-16 to solicit Consulting Engineering Services for the fourteen (14) bond projects still requiring design. The selection committee consisting of three (3) City staff and two (2) citizens "shortlisted" nine (9) consultant teams for interviews, which were held on October 2, 2019. The five (5) consultant teams selected after interviews to complete the design on these projects are:

- Garver, Norman
- Cowan Group, Oklahoma City
- Freese and Nichols, Oklahoma City
- MacArthur Associated Consultants, Oklahoma City
- Olsson Associates, Oklahoma City

These consultants are being assigned the various projects by City staff based on capacity, performance on their current projects and capabilities of their firm to complete a specific project.

On November 26, 2019, City Council awarded design contract K-1920-91, for the Jenkins Avenue Widening Project to Freese and Nichols of Oklahoma City in the amount of \$827,005.

On September 8, 2020, the Norman City Council approved Programming Resolution R-2021-46 requesting federal funds for the Jenkins Avenue Widening Project. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project including engineering design, acquisition of all necessary rights-of-way and relocation of utilities and encroachments at 100% the City's cost. In return, the Association of Central Oklahoma Governments (ACOG), through the Oklahoma Department of Transportation (ODOT), agrees to provide 80% of the construction cost, up to a project maximum of \$7,500,000 in federal funds, and administration of the construction with the matching share from the City of Norman.

On June 14, 2022, City Council approved on-call consultant contract (K-1314-103) with Pinnacle Consulting Group, Inc. of Oklahoma City for Right-of-Way acquisition services on the Jenkins Avenue Widening Project in the amount of \$74,500.

On January 24, 2023, City Council approved an ODOT Project Agreement for the Jenkins Avenue Widening Project.

On May 23, 2023, City Council accepted four (4) easements from two (2) property owners for the Jenkins Avenue Widening Project.

On June 13, 2023, City Council approved two utility easements paralleling Jenkins Avenue through Reaves Park including a general utility easement for multiple utilities and a corrected dedicated Oklahoma Natural Gas (ONG) private easement that replaces a similar-sized vacated ONG private easement.

The City's current construction cost estimate for the project is \$9,755,000 plus 12% Construction Engineering (\$1,170,600) for a total of \$10,925,600. Based on this amount, City 2019 Bond Funds will pay \$3,425,600 or 31% and federal funds will pay \$7,500,000 or 69% of construction and construction management costs. Federal funds have been secured for federal fiscal year 2023-2024 (FFY2024), which means ODOT could take bids for the project as early as November 2023. Land acquisitions have taken longer than anticipated, however, which has resulted in utility relocation delays. City staff anticipates a summer 2024 bid opening with construction starting in the winter of 2024.

DISCUSSION:

One of the City's key obligations of this project is to relocate all existing utilities in the corridor that are in conflict with the future street and storm water improvements. City staff is currently coordinating the relocation of City owned, franchise, and University of Oklahoma owned utilities on this project. Most of the utilities within the project limits are underground or at the back of the properties, except for those along the east side of Jenkins Avenue between Timberdell Road and Constitution Street, and along the north side of Constitution Street between Jenkins Avenue and Monitor Avenue. Multiple City Councilmembers have requested that the overhead utilities be installed underground when they are relocated for the project, to make the area more aesthetically pleasing.

Oklahoma Gas & Electric (OG&E)'s cost is more expensive to relocate the electric line underground than overhead. When their utility lines are located within City right-of-way, OG&E relocates their overhead lines to a new location at no cost to the City. Since the City is specifically requesting OG&E to install their system underground, the City is required to pay the cost difference between overhead and underground, which is estimated to be \$407,582.22 for this project.

Cox Communications and AT&T infrastructure is also installed on the same existing, overhead OG&E poles and will need to be relocated underground. Similarly, the City will be responsible for paying the cost difference of overhead to underground. Cox Communications preliminary estimate of additional cost to go underground is \$220,000. City Staff will bring their agreement to City Council once we have one from them. AT&T has not yet requested additional funds for their overhead to underground installation. If approved, this project to place three existing overhead utilities underground could exceed \$967,582.22, which includes \$407,582.22 for OG&E, \$220,000 for Cox, and \$340,000 for AT&T.

OG&E is requesting the City approve the attached project agreement. City staff has reviewed and recommends approval of the project agreement and resolution.

In summary, the OG&E's responsibilities in this agreement are:

- Provide labor and material to relocate its existing facilities
- Provide required insurance for the project
- Installed facilities will remain the property of OG&E
- OG&E will pay the equivalent cost of overhead to overhead relocation cost estimated to be \$403,057.78

In summary, City's responsibilities are:

- The City shall grant OG&E permission to use its rights-of-way and easements to install, operate, maintain and remove its electrical facilities
- The City will pay the total actual cost difference between overhead to underground (\$810,640) and overhead to overhead (\$403,057.78) estimated to cost \$407,582.22.

Funds were not originally budgeted in the 2019 Jenkins Avenue Widening Bond Project for the additional cost to relocate utilities from overhead to underground. However, City staff was successful in obtaining \$7,500,000 in federal funds through the Association of Central Oklahoma Governments (ACOG) to be used toward the construction of this project that was not originally accounted for in the project fund. City staff proposes to use some of the bond funds that are available in the project account as a result of receiving the federal funds. This will require a transfer of funds in the amount of \$407,582.22 from Jenkins Avenue Widening Project, Construction (Account 50594019-46101; Project BP0417) to Jenkins Avenue Widening Project, Utilities (Account 50594019-46701; Project BP0417).

RECOMMENDATION 1:

Staff recommends a transfer of the budgeted construction funds in the amount of \$407,582.22 from Jenkins Avenue Widening Project (BP0417), Construction (Account 50594019-46101) to Jenkins Avenue Widening Project, Utilities (Account 50594019-46701).

RECOMMENDATION 2:

Staff further recommends approval of Contract K-2324-44 with Oklahoma Gas & Electric.

ELECTRIC FACILITIES RELOCATION AGREEMENT

THIS ELECTRIC FACILITIES RELOCATION AGREEMENT ("Agreement") is made and entered into and is effective as of this ____ day of _____, 2023 ("Effective Date") by and between Oklahoma Gas and Electric Company, an Oklahoma Corporation ("OG&E"), First Party, and the City of Norman ("City"), Second Party.

WHEREAS, OG&E has existing overhead facilities located at **Jenkins Avenue from Constitution Street to Timberdell Road, Constitution Street from Jenkins Avenue to Monitor Avenue, and Lawrence Avenue from Constitution Street to approximately 400' south of Constitution Street** ("OG&E Facilities") and more fully depicted in OGE Work Order **8436004** (the "Work Order"), and

WHEREAS, the City has requested OG&E to relocate the OG&E's Facilities underground, and

WHEREAS, because the request to underground OG&E Facilities has been made by the City, the City will reimburse OG&E for the costs associated with relocating OG&E's facilities as further described in this Agreement.

NOW, THEREFORE, FOR VALUE RECEIVED, the parties agree as follows:

1. OG&E will furnish labor and materials and will relocate its existing facilities in accordance with the plans for the OG&E Work Order.
2. Upon completion of the work described in the preceding paragraph, the City will pay OG&E the total actual cost for the undergrounding of OG&E Facilities. The ESTIMATED cost to relocate said facilities is four hundred seven thousand five hundred eighty-two dollars and twenty-two cents (\$407,582.22). The parties understand that the total actual cost of the work may differ from the estimated cost above.
3. The existing service of OG&E is not to be interrupted or suspended or impaired while the work contemplated under this Agreement is being performed.
4. OG&E is an approved Own Risk for Workers Compensation by the Oklahoma Workers Compensation Court, and OG&E will provide General Liability Insurance to address bodily injury or property damage to third parties arising out of this work.

5. The facilities installed by OG&E shall remain the property of OG&E. The City hereby grants to OG&E the right to enter upon the street, alleys, easements and premises of the City as may be reasonably necessary to install, operate, maintain, and remove electrical facilities at the agreed locations as described herein.

6. This Agreement shall extend to, and be binding upon, each of the parties hereto and their respective successors and assigns. This Agreement is herewith executed in three counterparts, each of which shall be deemed an original for all purposes.

7. The Agreement will expire upon the completion of the work by OG&E and the payment of the above sum by the City.

IN WITNESS, WHEREOF, this Agreement is executed as of the Effective Date as identified above.

Approved as to form and legality this 4 day of August, 2023.

Elizabeth L. Ladd

City Attorney

Approved by the Council of the City of Norman, this _____ day of _____, 2023.

ATTEST: _____
(SEAL) City Clerk

By: _____
Mayor

ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF OKLAHOMA,
This instrument was acknowledged before me on _____, 2023, by
_____, as _____, City of Norman.

My Commission Expires: _____
(SEAL)

Notary Public

Oklahoma Gas and Electric Company

gof

By: [Signature]
Robert J. Burch
VP Utility Technical Services



CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF OKLAHOMA,

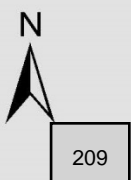
This instrument was acknowledged before me on the 26 day of July, 2023 by Robert J. Burch, VP Utility Technical Services, for Oklahoma Gas and Electric Company, an Oklahoma Corporation, on behalf of the corporation.

My Commission Expires: 08/30/25
(SEAL)

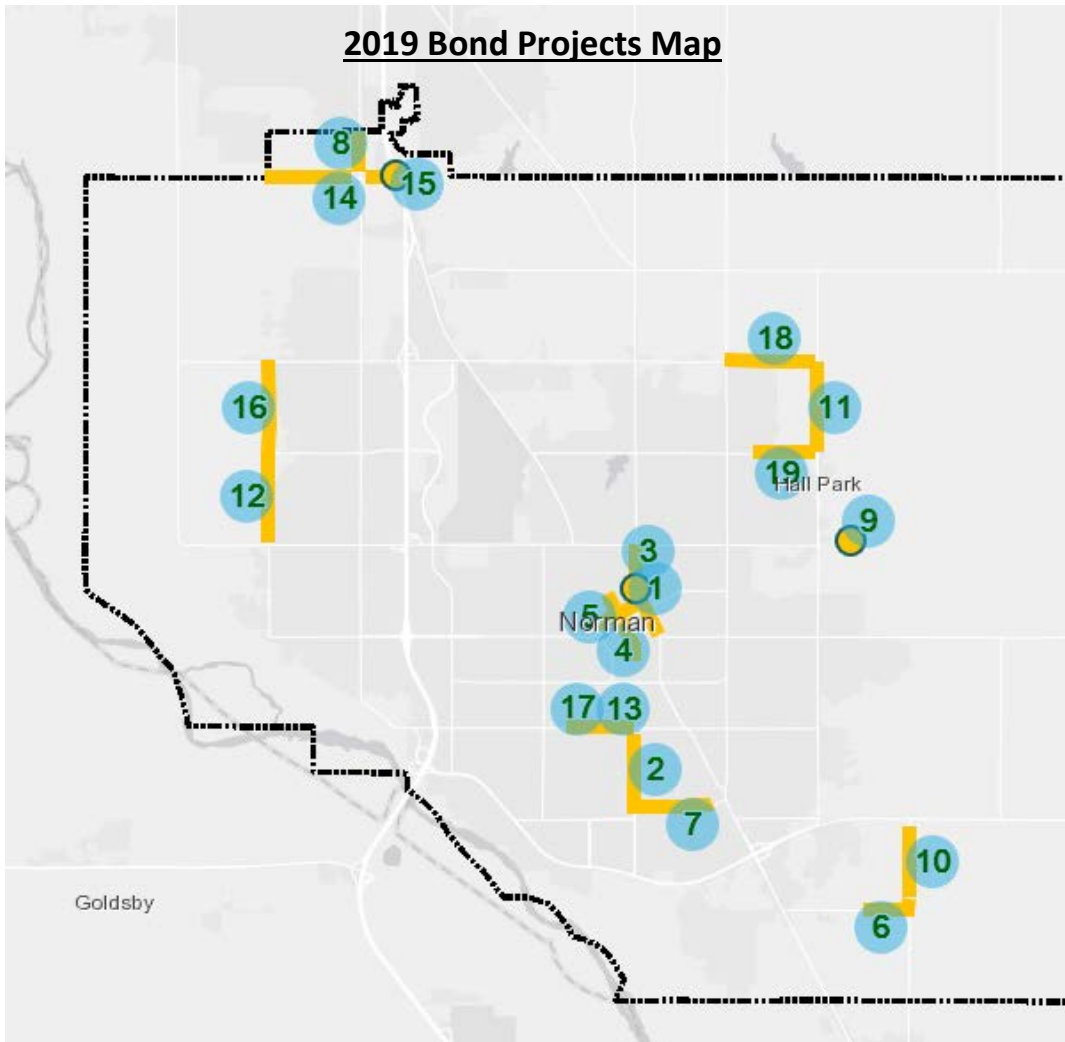
[Signature]
Notary Public



**Jenkins Avenue Widening Project
Location Map**



| 2019 Bond Projects List | | |
|-------------------------|--------------------|-----------------------------------------------------------------|
| Construction Year | Project No. on Map | Project Location |
| 2020 | 1 | Porter Avenue and Acres Street |
| 2021 | 2 | Jenkins Avenue - Imhoff Road to Lindsey Street |
| 2021 | 3 | Porter Avenue Streetscape |
| 2022 | 4 | James Garner Avenue - Acres to Duffy |
| 2022 | 5 | Gray Street Two-Way Conversion |
| 2023 | 6 | Cedar Lane Road - East of 24th Avenue SE to 36th Avenue SE |
| 2023 | 7 | Constitution Street - Jenkins to Classen |
| 2024 | 8 | 36th Avenue NW - North of Indian Hills Road to Moore City Limit |
| 2024 | 9 | Traffic Management Center |
| 2025 | 10 | 36th Avenue SE - Cedar Lane Road to State Highway 9 |
| 2025 | 11 | 24th Avenue NE - Rock Creek Road to Tecumseh Road |
| 2026 | 12 | 48th Avenue NW - Phase 1 - Robinson Street to Rock Creek Road |
| 2027 | 13 | Lindsey Street Special Corridor (Elm Avenue to Jenkins Avenue) |
| 2028 | 14 | Indian Hills Road - 48th Avenue NW to Interstate 35 |
| 2028 | 15 | Indian Hills Road and I-35 Interchange Match Funds |
| 2029 | 16 | 48th Avenue NW - Phase 2 - Rock Creek Road to Tecumseh Road |
| 2029 | 17 | Lindsey Street Special Corridor (Pickard Avenue to Elm Avenue) |
| 2030 | 18 | Tecumseh Road - 12th Ave NE to 24th Ave NE |
| 2030 | 19 | Rock Creek Road - Queenston to 24th Avenue NE |



File Attachments for Item:

13. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-45: AN AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA AND THE PIONEER LIBRARY SYSTEM FOR LIBRARY SERVICES, FACILITIES AND MAINTENANCE EFFECTIVE JULY 1, 2023 THROUGH JUNE 30, 2024.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 08/08/2023

REQUESTER: Jason Olsen, Director of Parks and Recreation

PRESENTER: Jason Olsen, Director of Parks and Recreation

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-45: AN AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA AND THE PIONEER LIBRARY SYSTEM FOR LIBRARY SERVICES, FACILITIES AND MAINTENANCE EFFECTIVE JULY 1, 2023 THROUGH JUNE 30, 2024.

BACKGROUND:

Norman first became a member of the library system operated by Pioneer in 1958. In 1960, Oklahoma voters approved a Constitutional provision that allowed for ad valorem tax levies to provide funds for the purpose of establishing and maintaining or aiding in establishing and maintaining cooperative county libraries and joint city-county libraries. Provisions related to the operation of public libraries were adopted thereafter. Pioneer Library System (“PLS”) was established pursuant to this authority, and after a two-mill library levy was adopted by the voters, PLS contracted with the City in 1962 to create a cooperative library system. PLS initially provided services in Cleveland and McClain counties, but it has since expanded into Pottawatomie County as well.

Since 1962, the City has provided PLS with library facilities in Norman, utilities and janitor services, and maintenance. The initial contract was extended automatically for successive one-year periods. Subsequent agreements addressed the growth in the library system. A 2012 agreement (K-1112-120) addressed the acquisition of the building now known as Norman West on 300 Center Court. Another agreement in 2012 (K-1213-48) addressed the acquisition and use of a 24-hour library service machine located at Irving Middle School. Finally, a 2016 agreement (K-1516-97) formally acknowledged the planned additions of the new Norman Central Library, across from Andrews Park and Norman East, next to Fire Station 9.

DISCUSSION:

Contract K-2324-45 sets forth the obligations of PLS and of the City. PLS provides materials, programming, and trained staff at each library location in Norman, including the 24-hour service machine at Irving Middle School. PLS owns and maintains all materials and equipment it purchases. PLS must make a good faith effort to minimize all operation and maintenance costs and provide timely notice to the City of any damages to real and personal property and needed

repairs. Additionally, PLS will be responsible for ongoing landscaping maintenance as identified in Exhibit A.

The City appoints at least one member to the Pioneer Board of Trustees as provided in Title 65. The City provides the buildings in good condition and continues to be responsible for the monthly utilities and maintenance of those buildings. Capital improvements are at the discretion of the City. The City has the right to conduct non-profit events or meetings of its choosing at any of the Norman libraries, provided there is not a scheduling conflict.

PLS can sublease any portion of its premises, provided it does not exceed 25%, and the premises continue to be used primarily for library and educational related purposes. PLS desires to work with the City to use lease revenues to fund furniture replacement as the need arises.

This contract will be effective July 1, 2023, to ensure we are on an annual approval schedule that ties into the fiscal year.

RECOMMENDATION:

Staff recommends approval of Contract K-2324-45.

AGREEMENT FOR LIBRARY SERVICES, FACILITIES AND MAINTENANCE 2023-2024

This Agreement is made and entered into this _____ day of _____, 2023 by and between the Pioneer Library System (“Pioneer”) and the City of Norman (the “City”) to set forth all rights and obligations of the parties with respect to the Norman Public Library.

WITNESSETH:

WHEREAS, Pioneer is a multi-county library system organized under 65 O.S § 4.101 et seq. operating public libraries in Cleveland, McClain and Pottawatomie Counties; and

WHEREAS, Norman has been a member of the library system operated by Pioneer since 1958; and

WHEREAS, Norman is located within Cleveland County (the “County”) and the voters of the County have approved ad valorem mileage authorized by Art. X, Section 10A of the Oklahoma Constitution to support library services provided by Pioneer, including the 6 mill levy approved May 13, 2008; and

WHEREAS, the City owns real property located at 103 W Acres Street, and 3051 Alameda Street, Norman, Oklahoma, upon which the Norman Public Library Central and Norman Public Library East are located, and Pioneer owns real property located at 300 Center Court Drive, Norman, Oklahoma, of which the City leases a portion to provide facilities for the Norman Public Library West under an agreement effective March 30, 2012 (Norman K-1112-120) (collectively, the three sites are referred to herein as the “Library Facilities”).

WHEREAS, Pioneer has agreed to provide all services necessary to operate the Norman Public Libraries in conformance with the standards promulgated by the Oklahoma Department of Libraries at the Library Facilities and to provide a limited collection of digital material at 125 Vicksburg Ave, Norman, OK (Norman K-1213-48) (the “Vicksburg Location”); and

WHEREAS, the City will include estimated appropriations within its 2023-2024 fiscal year budget for all expenses it is obligated to pay in connection with this agreement; and

WHEREAS, the parties wish to update and refine the delineation of the duties each has assumed with respect to provision of library services at the Library Facilities and the Vicksburg Location.

NOW, THEREFORE, in consideration of the mutual promises contained herein, and upon the conditions and under the terms stated herein, the parties agree as follows:

A. Pioneer Library System's Obligations. Pioneer shall:

1. Provide a collection of materials and programming services at the Library Facilities. In addition, Pioneer will provide limited services at a 24-Hour Library Service Machine located at the Vicksburg Location.
2. Provide local and administrative staff to plan and implement library services in accordance with standards promulgated by the Oklahoma Department of Libraries. Said staff shall be employed by Pioneer, not the City of Norman. Further, Pioneer staff shall not be considered to be employees of the City, and employees of the City shall not be considered to be employees of Pioneer. Pioneer will, in its discretion, employ and hire such staff as it deems advisable for the operation of the Norman Public Libraries. All decisions regarding the supervision, compensation, promotion and discharge of such employees shall be made solely by Pioneer. Pioneer hereby agrees to waive any possible claims to any retirement benefits or deferred compensation for its employees and any other benefits available to qualified employees of the City. Pioneer shall maintain worker's compensation insurance for all of its employees working at the Norman Public Libraries in accordance with the applicable law of the State of Oklahoma.
3. Provide trained library staff to implement library services, including but not limited to, reference services, technology and training, reading guidance, library programs and administrative services.
4. Provide a collection of materials to include, but not limited to, both fiction and nonfiction and present the collection in a variety of formats. The collection will include materials for customers of all ages, including children, teens, and adults.
5. Provide library services to include, but not be limited to, programming determined by library floor space, staff availability and community need.
6. Provide library services to include but not be limited to, sharing of materials among Pioneer, the Norman Public Libraries, and the other branch libraries within the Pioneer Library System and libraries outside the Pioneer Library System, and regularly scheduled delivery of library materials and business communications among the Pioneer administrative and branch locations.
7. Pioneer will provide regular, continuous staff training in the areas of library automation systems, reading guidance, reference services, programming and customer services, and other library and community services.
8. Provide electronic systems for circulation and cataloging of materials and for communication among the branch libraries and administrative staff.
9. Establish hours of operation at the Norman Public Libraries in compliance with standards set by the Oklahoma Department of Libraries in consultation with the City.
10. Pioneer shall own, and maintain where needed, all materials and equipment purchased by Pioneer which shall remain the property of Pioneer. Property of Pioneer shall comply with State and

Federal guidelines for handicapped accessibility and safety, as may be amended from time to time. Pioneer shall insure the property it owns in such amounts and on such terms as determined by Pioneer and shall maintain liability insurance covering claims in amounts not less than the limits of liability for governmental entities under the Oklahoma Governmental Tort Claims Act. Pioneer shall provide the City with a certificate documenting that it holds personal property insurance and liability insurance as provided herein. Said documentation shall be provided to the City annually upon renewal of this agreement.

11. By December 31 of each year, Pioneer shall provide to the City a list of all building and/or property improvements Pioneer is requesting the City to make. The City may provide funding for said improvements as authorized by budgeted appropriations for said purposes.
12. Provide all technology Pioneer determines to be necessary, including internet access and computers, at no cost to the City to operate and maintain.
13. Provide to the City of Norman's security monitoring service a list of all Pioneer personnel who will respond to the monitoring service's contact that security might have been breached. If Pioneer determines that it needs security guards, Pioneer shall pay for that service and pay the costs of operating the closed-circuit TV (video surveillance system) at no cost to the City.
14. Make a good faith effort to minimize all operation and any maintenance costs to be paid for by the City.
15. Pioneer shall provide notice to the City of any damages to the real and personal property and need for repairs. Any repairs that require immediate action such as, but not limited to, sewer backups, water leaks or roof leaks, require notice to be given to the City within twenty-four (24) hours. For those repairs not requiring immediate action, Pioneer shall provide notice to the City within fourteen (14) days. Pioneer shall have a duty to use reasonable care to discover any damage or need for repairs to the library.
16. Pioneer shall provide needed maintenance and upkeep for all landscaping, lawns and other plants on Library Facilities at the Norman Public Library Central and the Norman Public Library East, as identified in Exhibit A.
17. Pioneer shall provide needed trash removal for the library grounds by keeping the grounds free of trash and litter.
18. Comply with all ordinances of the City, laws of the State of Oklahoma, and laws of the United States of America relating or pertaining in any manner to this Agreement.

B. The City of Norman's Obligations.

1. The City will appoint at least one member to the Pioneer Board of Trustees as provided by Oklahoma Law.
2. The City shall provide suitable buildings in which the library services may be provided in an appropriate, easily accessible location with sufficient paved parking adjacent to the library building, central heat and air conditioning with temperature control, electricity to meet lighting and climate control needs, carpeting and appropriate hard surface flooring, public restrooms, exterior signage and lighting, furnishings and equipment appropriate to building design and library function, and related equipment for

security of the facility and customers. Access to the Building will comply with State and Federal guidelines for handicapped accessibility and safety, as may be amended from time to time.

3. The City shall be responsible for the monthly utilities and maintenance associated with the buildings as outlined below, with the exception of the Norman Public Library West branch. Maintenance and operations consist of maintaining the interior and exterior of the buildings, the furnishings which are owned by the City and located inside and outside of the buildings, and the paved parking areas. Utilities, operations and maintenance covered by this Agreement include:

- a. Telephone services including a listing in the local phone directory, but excluding long distance calls
- b. City cable by franchise agreement
- c. Electric service
- d. Custodial services, including implementation of cleaning protocols recommended by the floor covering manufacturers
- e. Building maintenance (including all furniture, fixtures and equipment purchased by the City)
- f. Electronic security system and monthly monitoring
- g. Water, sewer, trash service

The City shall consult with Pioneer periodically about the scope and character of these services.

4. The land, building, and the furniture and fixtures purchased by the City shall remain the property of the City. The City shall purchase and maintain in full force and effect suitable insurance policies as follows: Building and contents policy. A schedule of such policies of insurance then in force and effect shall be provided to Pioneer annually upon contract renewal. Additionally, the City shall be responsible for its own negligence in accordance with State law, including but not limited to, the Governmental Tort Claims Act.

5. The City shall, in its complete discretion, make all decisions regarding the need for capital improvements to be made and funds for those purposes. Capital improvements are any improvements made to maintain the facility in the condition it was on the date of this agreement, normal wear and tear excepted. The City shall not be responsible for capital improvements necessitated by "Tenant Misuse". The term "Tenant Misuse" will not include ordinary wear and tear on the Library Facilities, but will mean any act that causes damages to the Library Facilities or any part thereof and that arises out of uses of the Library Facilities not permitted by the terms of this Agreement or that is caused by negligent or willful acts of Pioneer, its employees, agents, contractors, invitees, customers or users.

6. The City reserves the right to conduct non-profit events or meetings of its choosing on the Library Facilities during each year and every year of the term hereof. The City shall consult with Pioneer as to

the scheduling of such events or meetings. No events to be sponsored and conducted by the City shall conflict with events scheduled by Pioneer before the City's request for use. The City's use of the Library Facilities shall be subject to the rules, regulations, hours of operation and/or policies adopted by Pioneer pertaining to the Library Facilities. The City and Pioneer may agree to additional hours of operation for events or meetings upon prior written agreement.

C. Mutual Agreement

The parties to this Agreement understand and agree that the Norman Public Libraries and all furniture, fixtures and equipment purchased by the City shall be owned exclusively by the City.

D. Use of Premises for Purpose Stated

Pioneer covenants that during the term, the facilities owned and leased by the City shall be used primarily for library and educational related purposes as stated above.

E. Redecoration and Remodeling

Pioneer will have the right and privilege, subject to prior written approval of the City, to perform nonstructural redecoration and remodeling, at Pioneer's own cost, to the Library Facilities from time-to-time as it will see fit.

F. Non-Discrimination

Pioneer represents and agrees it is Pioneer's policy, and shall remain Pioneer's policy, to operate the Library Facilities so as not to discriminate against any employee, applicant for employment, or user of public services provided by Pioneer on the basis of race, color, religion, ancestry, national origin, age, place of birth, disability, sex, sexual orientation, gender identity or expression, familial status, or marital status, including marriage to a person of the same sex.

G. Assignment

Pioneer may not assign this agreement, or any portion thereof, or any part of Pioneer's rights hereunder without prior written approval by the City. Pioneer may sublease any portion of the Library Facilities, provided any such sublease space does not exceed 25% of the premises, subject to the provisions herein. Pioneer will earmark sublease revenue to supplement the City's responsibility for maintaining furnishing needs at the Library Facilities.

H. Destruction of Premises

In the event any of the City-owned properties should be partially destroyed (less than twenty percent (20%) as a result of fire or other casualty, regardless of the cause, then the City will, at its sole cost and expense, promptly, and in any event within thirty (30) days after receipt of insurance proceeds,

or within such longer period of time as may be necessary for the City to comply with public competitive bidding laws, commence to build or replace the same in as good condition as prior to such casualty or, if the City is unable to commence such rebuilding or replacement within thirty (30) days then as promptly thereafter as possible. In the event any of the City-owned properties should be substantially (twenty percent (20%) or more) destroyed as a result of fire or other casualty, regardless of the cause, or should it be untenable and unfit for occupancy at any time during the Term of this Agreement, then, the City, subject to availability of sufficient insurance proceeds for such purposes, may, in its complete discretion, build, rebuild or replace the premises.

I. Force Majeure

Failure in performance by either party hereunder shall not be deemed a default or breach hereunder and the non-occurrence of any condition hereunder shall not give rise to any right otherwise provided herein when such failure or non-occurrence is due to war, insurrection; strikes; lock outs; riots; floods; earthquakes; fires; acts of God; acts of the public enemy; epidemics; pandemics; quarantine restrictions; freight embargoes; lack of transportation; governmental restrictions; unusually severe weather or any other causes beyond control, and without the fault, of the party claiming an extension of time to perform.

J. Term

The term of this agreement shall be July 1, 2023, through June 30, 2024, and shall be renewable annually upon the written consent of both parties.

K. Termination for Default

This agreement may be terminated by either party upon sixty (60) days prior written notice should either party fail substantially to perform in accordance with the agreement terms through no fault of the party initiating the termination after due notice and thirty (30) days within which to correct the fault.

L. Termination

This Agreement may be terminated with or without cause upon giving 180 days written notice to the other party.

M. Redelivery of Premises

Pioneer will, at the termination of this Agreement, or any extension thereof, peacefully quit, surrender and deliver up to the City, its successors or assigns, the real property owned by the City in good condition, with the exception of usual wear and tear.

N. Whole Agreement and Amendments

This written Agreement between the City and Pioneer constitute the entire understanding between the parties and no other documents or oral discussions shall modify this written Agreement. Should it become the desire of both parties to amend this Agreement, such agreement shall be in writing and must be signed by both parties in order to have legal effect.

O. Entire Agreement

It is intended by the parties that this Agreement will supersede, nullify and void any previous agreements, contracts and supplements thereto between the parties herein or their predecessors and interests, with the exception of the parties' lease agreement relating to the Norman Public Library West (Norman K-1112-120), the memorandum of understanding dated February 9, 2016 (Norman K-1516-97) and the agreement relating to the Vicksburg Location (Norman K-1213-48).

P. Non-Waiver

The failure of either party, at any time or times hereafter, to require strict performance by the other party of any provision of the Agreement will not constitute a waiver or affect or diminish any right of any party thereafter to demand strict compliance and performance of the Agreement. Any suspension or waiver by the party of a default of any condition under this Agreement will not suspend, constitute a waiver or affect any other default by the other party.

Q. Severability

If any one or more of the covenants, agreements or provisions of this Agreement shall be determined by a court of competent jurisdiction to be invalid, the invalidity of such covenants, agreements and provisions shall in no way affect the validity or effectiveness of the remainder of this Agreement and this Agreement shall continue in force to the fullest extent permitted by law.

R. Notices

For the purpose of notice given under this Agreement, the parties may be notified as follows:

City: City of Norman
Attention: Darrel Pyle, City Manager
201 West Gray
Norman, Oklahoma 73069
Telephone: (405)366-5402
Facsimile: (405)366-5489
Email: city.manager@normanok.gov

Pioneer: Pioneer Library System
Attention: Lisa Wells, Executive Director
300 Norman Center Court
Norman, OK 73072
Telephone: (405)801-4502
Facsimile: (405)801-4516
Email: lwells@pioneerlibrarysystem.org

This Agreement reflects all terms of the agreement between the parties. It may not be amended or modified in any way except by an instrument in writing signed by all parties.

The remainder of this page has been intentionally left blank]

IN WITNESS WHEREOF, Pioneer Library System and the City of Norman have executed and entered into this Agreement as of the day and year first written above.

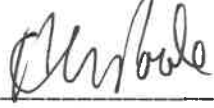
ATTEST:

CITY OF NORMAN:

CITY CLERK

MAYOR

REVIEWED AS TO FORM AND LEGALITY:



CITY ATTORNEY

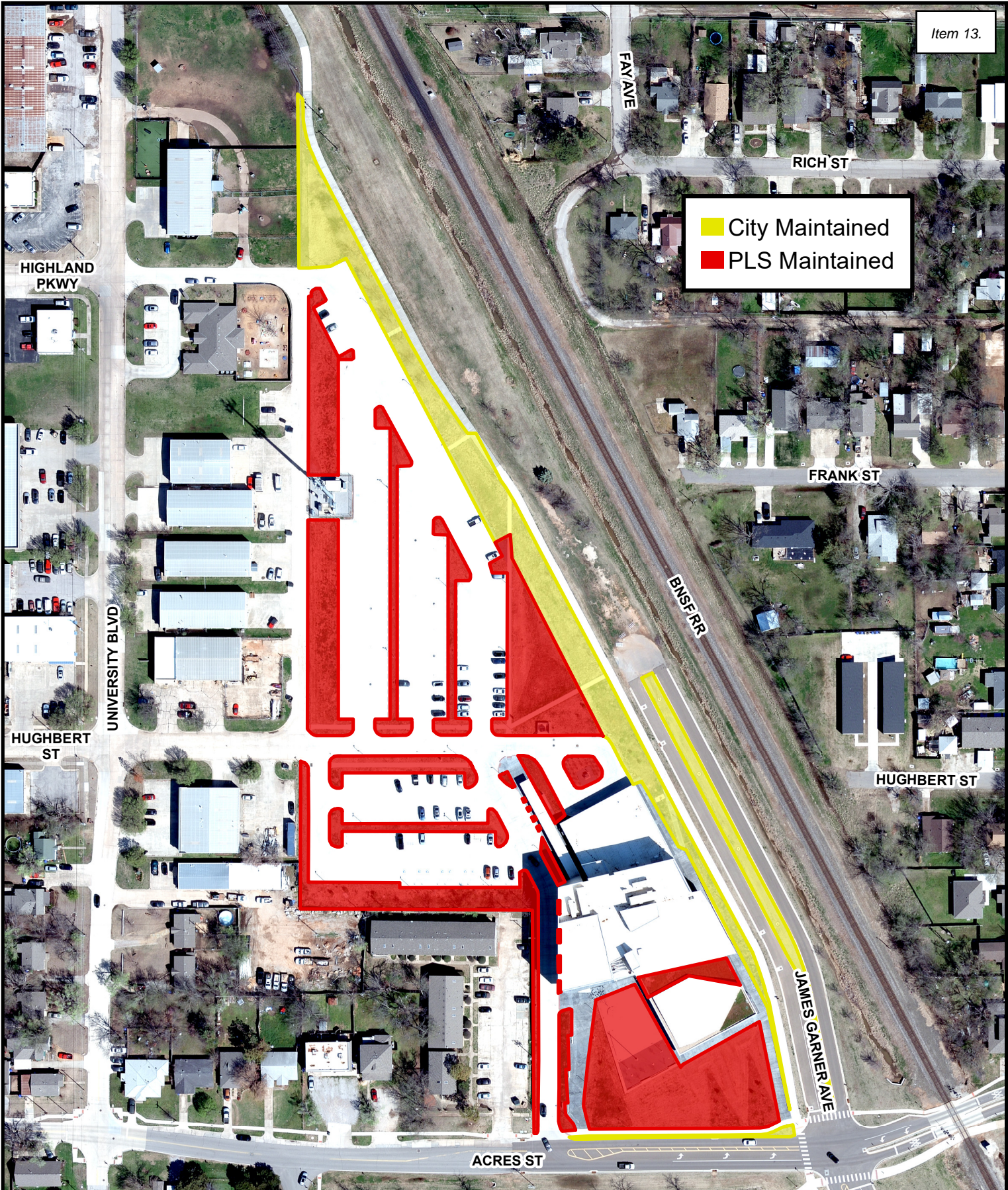
PIONEER LIBRARY SYSTEM

CHAIR, BOARD OF TRUSTEES

ATTEST:

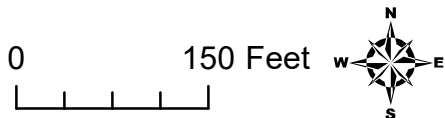
CORPORATE SECRETARY

City Maintained
PLS Maintained

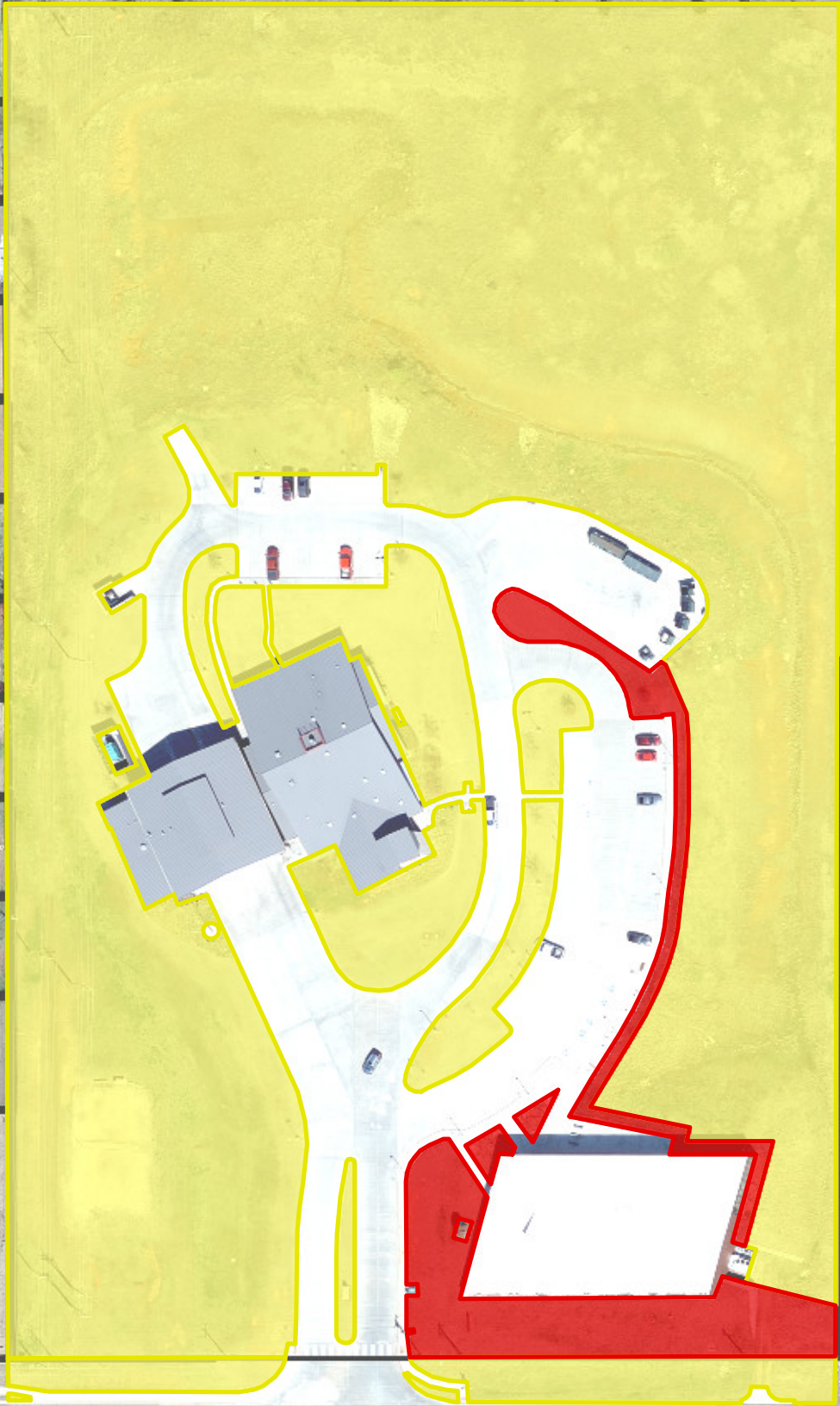


Norman Central Library

July 25, 2023
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.



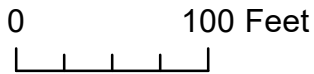
H:\projects\Wade Thompson\Library\Map\infomano\Map.mxd



Norman East Library

August 4, 2023

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.



- City Maintained
- PLS Maintained

File Attachments for Item:

14. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF CONTRACT K-2324-47: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CAN DO, L.L.C., IN THE AMOUNT OF \$187,000, MAINTENANCE BOND MB-2324-14, PERFORMANCE BOND B-2324-24; AND STATUTORY BOND B-2324-25 FOR THE SUTTON WILDERNESS PARK TRAIL UPGRADE & PARKING LOT ADDITION PROJECT, AND RESOLUTION R-2324-27 GRANTING TAX-EXEMPT STATUS AND BUDGET APPROPRIATION AS OUTLINED IN THE STAFF REPORT.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 8/8/2023

REQUESTER: James Briggs, Park Development Manager

PRESENTER: Jason Olsen, Director of Parks and Recreation

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF CONTRACT K-2324-47: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CAN DO, L.L.C., IN THE AMOUNT OF \$187,000, MAINTENANCE BOND MB-2324-14, PERFORMANCE BOND B-2324-24; AND STATUTORY BOND B-2324-25 FOR THE SUTTON WILDERNESS PARK TRAIL UPGRADE & PARKING LOT ADDITION PROJECT, AND RESOLUTION R-2324-27 GRANTING TAX-EXEMPT STATUS AND BUDGET APPROPRIATION AS OUTLINED IN THE STAFF REPORT.

BACKGROUND:

To improve George M. Sutton Urban Wilderness Community Park, Park Development staff applied for a Recreational Trails Grant from the Oklahoma Tourism and Recreation Department (OTRD) in January 2020. The request was for \$111,200, matched by \$27,800 in funds from the City of Norman to implement an estimated \$139,000 of development in the park, following the 80/20-Match formula for this grant program.

The work described in the grant was planned with help from the Sutton Urban Wilderness Advisory Committee. The project will include the construction of a 12-car parking lot expansion at the trailhead parking off 12th Avenue NE, which will provide much-needed additional spaces for the public, as well as repairing and surfacing a spur of walking trail in the park that travels through both Sutton Wilderness Park and Griffin Park (south of Sutton).

The old path section will be re-graded and topped with crushed granite to match the rest of the trails in Sutton Wilderness. Previous improvements to the parking and trails in the park were made through an earlier Recreational Trails Grant in 2017. Since then, there has been a noticeable increase in the daily and annual use of this unique urban wilderness area in Norman. The grant application proposed to use already-approved funding for trail and sidewalk maintenance projects as the match for the grant if approved. The grant request was approved in October of 2021, after which staff worked to obtain the required state historical and archaeological reviews and receive clearance from the five separate Native Tribes identified by the State as having a potential historical interest in the area of the park.

On May 18, 2022, the City of Norman accepted the completed Project Agreement for the grant. This reimbursable grant requires those receiving it to finance the project and submit paid invoices for reimbursement from the OTRD grant administrators. We have received several grants for various park trail projects and have established a Special Grant Fund to pay for the project costs. Upon approval of this grant, Council also approved the appropriation of \$111,200 into a Special Grant Account for improvements described above to George M. Sutton Urban Wilderness Community Park.

As stated earlier, the 20% matching funds will come from the annual park sidewalks and trail maintenance account, as was proposed in the grant application. Any other costs above the 20% match, if needed, would come from the existing project fund balance for a program of improvements to trails and parking areas in Griffin Park and also from an appropriation from the Community Park Development Fund Balance, which is only available to be utilized for improvements at any of our 6 Community Parks (Griffin, Reaves, Andrews, Sutton, and Legacy Parks).

The Community Park Development Fund balance is currently \$139,190. Higher project costs became likely after the grant application was made in 2020, before the current climate of higher construction costs.

DISCUSSION:

On 15 and 23 June 2023, Bid Number 2324-79 for the Sutton Wilderness Park Trail Upgrade & Parking Lot Addition Project was advertised in the Norman Transcript, Southwest Construction News, e-Plan, i-Square Foot, and Bid News; and the bid was advertised on the City's website. Bid packets were distributed to five general construction contractors, two of whom responded with complete proposals.

Parks and Recreation staff reviewed the proposals, which included a base bid to do the work, according to the project plans and specifications prepared by Park Hill Engineering via a separate contract, which was also funded at 80% through this grant. When the different proposals were compared, it was determined that the bid from Can Do, L.L.C. (Can Do) presented the best option to get the parking lot addition and trail improvements done to fulfill the project's goals. The trail spur improvements will also provide a more accessible route to this unique urban wilderness from the south, from the large parking lots in Griffin Park.

Staff recommends awarding Contract K-2324-47 to Can Do, L.L.C., in the total amount of \$187,000 for the Sutton Wilderness Park Trail Upgrade & Parking Lot Addition Project. The proposed funding will come from the special grant account established for this project, the City's trail maintenance accounts, and the Community Park Development Account Fund Balance.

RECOMMENDATION NO.1: It is recommended that City Council appropriate funds in the amount of \$43,967 from the Community Park Development Fund Balance (52-29000) into the Sutton Urban Wilderness Parking Lot Addition and Trail Improvement Project (52790074-46101; Project PC0019)

RECOMMENDATION NO. 2: It is recommended that Bid Number 2223-79 be awarded to Can Do, L.L.C., in the amount of \$187,000 for the Sutton Wilderness Park Trail Upgrade & Parking

Lot Addition Project. The funding of \$85,700 is available for this project in the Sutton Wilderness Special Grant Funding Account (account 22790074-46101; Project PC0025), \$29,533 in the Capital Fund, Griffin Park Trails and Parking Lots Improvements Account (50796639-46101; PR0169); \$27,800 in the Capital Fund, Facility Maintenance Park Trails and Sidewalks Project (account 50595540-46101; Project EF0012) and \$43,967 in the Park Land and Development Fund, Sutton Urban Wilderness Parking Lot Addition and Trail Improvement Project (account 52790074-46101; Project PC0019).

RECOMMENDATION NO.3: It is further recommended that City Council approve Contract K-2324-47, Performance Bond B-2324-24, Statutory Bond B-2324-25, and Maintenance Bond MB-2324-14.

RECOMMENDATION NO. 4: It is further recommended that The Can Do, L.L.C., be authorized and appointed as project agent for the Sutton Wilderness Park Trail Upgrade & Parking Lot Addition Project by Resolution R-2324-27 to avoid the payment of sales tax on materials purchases related to the project.

Contract # K-2324-47

C O N T R A C T

THIS CONTRACT made and entered into this ____ day of _____, 20__, by and between Can Do, LLC as Party of the First Part, hereinafter designated as the CONTRACTOR, and the City of Norman, a municipal corporation, hereinafter designated as the City, Party of the Second Part.

W I T N E S S E T H

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

SUTTON WILDERNESS PARK TRAIL UPGRADES & PARKING LOT ADDITION

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

WHEREAS, the Contractor in response to said Solicitation for Bids, has submitted to the City of Norman on the manner and at the time specified, a sealed proposal in accordance with the terms of this Contract; and

WHEREAS, the City, in the manner provided by law, has publicly opened, examined, and canvassed the proposals submitted and has determined and declared the above-named Contractor to be the lowest and best bidder on the above-prepared project, and has duly awarded this contract to said Contractor, for the sum named in the proposal, to wit: One Hundred Eighty Seven Thousand Dollars and No Cents (\$187,000.00);

NOW, THEREFORE, for and in consideration of the mutual agreements and covenants herein contained, the parties to this Contract have agreed, and hereby agree, as follows:

1. The Contractor shall, in a good and first-class, workmanlike manner at his own cost and expense, furnish all labor, materials, tools, and equipment required to perform and complete said work in strict accordance with this Contract and the following Contract Documents:

Specifications, Provisions and Bonds thereto, all of which documents are on file in the office of the City Clerk of the City of Norman, and are made a part of this Contract as fully as if the same were set out at length, with the following additions and or exceptions: (If none, so state.)

2. The City shall make payments to the Contractor in the following manner: On or about the first day of each month, the project engineer, or other appropriate person, will make accurate estimates of the value, based on contract prices, or work done, and materials incorporated in the

Contract # K-2324-47

work and of materials suitably stored at the site thereof during the preceding calendar month. The Contractor shall furnish to the project engineer, or the 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 as required by Senate Bills 469 of the 1974 Legislature.

On completion of the work, but prior to the acceptance thereof by the City, it shall be the duty of the project engineer, or other appropriate person, to determine that said work has been completely and fully performed in accordance with said Contract Documents; and upon making such determinations said official shall make his final certificate to the City.

The Contractor shall furnish proof that all claims and obligations incurred by him in connection with the performance of said work have been fully paid and settled; said information shall be in the form of an affidavit, which shall bear the approval of the surety on the contract bonds for payment of the final estimates to the Contractor; thereupon, the final estimate (including retainages) will be approved and paid.

3. It is further agreed that the Contractor will commence said work within 10 days following receipt of a NOTICE-TO-PROCEED, and prosecute the same vigorously and continuously, and complete the same in 120 calendar days.

The Notice to Bidders published in the Norman Transcript June 16 and 23, 2023, the instructions to bidders, the special and general provisions of specifications and the Contractor's bid or proposal, each of said instruments on file in the office of the City Clerk of the City of Norman, are hereby referred to and by reference thereto are made part of this contract as if fully written in detail herein or attached thereto.

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

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

Contract # K-2324-47

IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the 24th day of July, 2023.

CORPORATE SEAL

Can Do, LLC

Company Name
BY [Signature]

President

ATTEST: [Signature]

Corporate Secretary

STATE OF OK)
COUNTY OF Cleveland)

Chris Doney of lawful age, being first duly sworn, on oath says that (s)he is the agent authorized by Contractor to submit the above Contract to the City. Affiant further states that Contractor has not paid, given or donated or agreed to pay, give, or donate to any officer or employee of the City any money or other thing of value, either directly or indirectly, in the procuring of the contract.

[Signature]

President

Subscribed and sworn to before me this 24 day of July, 2023.

My Commission Expires: 11-24-24
Commission Number: 20014397

[Signature]

ADAM SHEPHARD
Notary Public
State of Oklahoma
Commission #20014397 Exp: 11/24/24

CITY OF NORMAN

Approved as to form and legality this 2 day of August, 2023.

[Signature]

City Attorney

Approved by the City Council this _____ day of _____, 20____.

ATTEST: _____
Mayor

City Clerk

RLI Insurance Company Bond #RCB0043822

Bond # B-2324-25

STATUTORY BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, Can Do, LLC, as Principal, and RLI Insurance Company, a corporation organized under the laws of the State of Illinois, and authorized to transact business in the State of Oklahoma, as Surety, are held and firmly bound unto the City of Norman, a Municipal Corporation and city of the first class of the State of Oklahoma, in the penal sum of One Hundred Eighty Seven Thousand Dollars and No Cents (\$187,000.00), for the payment of which well and truly to be made, we, and each of us, bind ourselves, our heirs, executors and assigns, themselves, and its successors and assigns, jointly and severally, firmly by these presents.

Dated this _____ day of _____, 20_____.

The conditions of this obligation are such, that whereas, the above Bonded Principal: Can Do, LLC, is the lowest and best bidder for the making of the following City work and improvement, viz.:

SUTTON WILDERNESS PARK TRAIL UPGRADES & PARKING LOT ADDITION

and has entered into a certain written contract with THE CITY OF NORMAN, dated _____, 20_____, for the erection and construction of said work and improvement, in exact accordance with the bid of said Principal, and according to certain specifications heretofore made, adopted and placed on file in the office of the City Clerk of the City of Norman.

NOW, THEREFORE, if the said Can Do, LLC Principal, shall well and truly pay all indebtedness incurred for labor and material and repairs to and parts for equipment furnished in the making of said public improvement incurred by said Principal or subcontractors, 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 same becomes due and payable, the person, firm, or corporation entitled thereto may sue and recover on this bond, 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 obligations of this Bond.

IN WITNESS WHEREOF, the said Principal has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its duly authorized officers, and the said Surety has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its attorney-in-fact, duly authorized to do so, the day and year first above written.

RLI Insurance Company Bond #RCB0043822

Bond # B-2324-25

ATTEST:

[Signature]
Corporate Secretary

Can Do, LLC

Company Name

BY

[Signature]
Principal

ATTEST:

[Signature]
Corporate Secretary (Surety)

RLI Insurance Company

Surety Name

BY

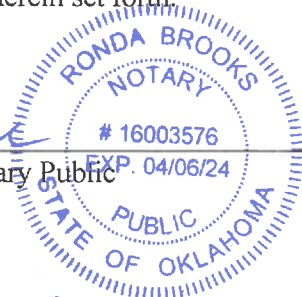
[Signature]
Lisa Sherman Surety Attorney-in-Fact

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State on this 21st day of July, 2023 personally appeared Christopher Downey to me known to be the identical person who executed the foregoing, and acknowledged to me that he executed the same as his 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.

[Signature]
Notary Public



My Commission Expires: 04/06/24
Commission Number: 16003576

Approved as to form and legality this 2nd day of August, 2023.

[Signature]

City Attorney

Approved by the Council of the City of Norman, this _____, day of _____, 20____.

ATTEST:

Mayor

City Clerk

RLI Insurance Company Bond #RCB0043822

Bond # B-2324-24

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, Can Do, LLC, as Principal, and RLI Insurance Company, a corporation organized under the laws of the State of Illinois, and authorized to transact business in the State of Oklahoma, as Surety, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation and city of the first class, of the State of Oklahoma, in the full and just sum of One Hundred Eighty Seven Thousand Dollars and No Cents (\$187,000.00), for the payment of which, well and truly to be made, we, and each of us, bind ourselves, our heirs, executors and assigns, themselves, and its successors and assigns jointly and severally, firmly by these presents. Dated this _____ day of _____, 20_____.

The conditions of this obligation are such, that whereas, said Principal is the lowest and best bidder for the making of the following city work and improvements, viz.:

SUTTON WILDERNESS PARK TRAIL UPGRADES & PARKING LOT ADDITION

and has entered into a certain written contract with THE CITY OF NORMAN dated _____ 20 _____, for the erection and construction of said work and improvement, which said contract is hereby made a part and parcel of this bond as if literally written herein.

NOW, THEREFORE, if said Principal shall, in all particulars, well, truly and faithfully perform and abide by said Contract and each and every covenant, condition and part thereof and shall fulfill all obligations resting upon said Principal by the terms of said contract and said specifications; and if said Principal shall promptly pay, or cause to be paid, all labor, materials and/or repairs and all bills for labor performed on said work, whether by subcontract or otherwise; and if said Principal shall protect and save harmless said City of Norman from all loss, damage and expense to life or property suffered or sustained by any person, firm, or corporation caused by said Principal or his or its agents, servants, or employees in the construction of said work, or by or in consequence of any negligence, carelessness or misconduct in guarding and protecting the same, or from any act or omission of said Principal or his or its agents servants, or employees, and if said Principal shall protect and save the City of Norman 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 to be and remain in full force and effect.

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

IN WITNESS WHEREOF, the said Principal has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its duly authorized officers, and the said surety has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its attorney-in-fact, duly authorized to do so, the day and year first above written.

RLI Insurance Company Bond #RCB0043822

Bond # B-2324-24

ATTEST:

[Signature]
Corporate Secretary

Can Do. LLC

Company Name

BY [Signature]
Principal

ATTEST:

[Signature]
Corporate Secretary (Surety)

RLI Insurance Company

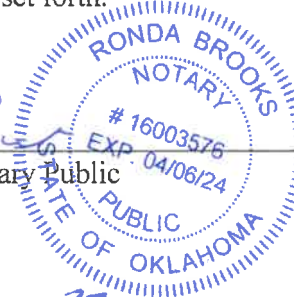
Surety Name

BY [Signature]
Lisa Sherman Surety Attorney-in-Fact

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 31st day of July, 2023 personally appeared Christopher Downey to me know to be the identical person who executes the foregoing, and acknowledge to me that he executed the same as his 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.

[Signature]
Notary Public


My Commission Expires: 04/06/24
Commission Number: 16003576

Approved as to form and legality this 2 day of August, 2023.

[Signature]
City Attorney

Approved by the Council of the City of Norman, this ___ day of _____, 20__.

ATTEST:

Mayor

City Clerk

RLI Insurance Company Bond #RCB0043822

Bond # MB-2324-14

MAINTENANCE BOND

WHEREAS, THE UNDERSIGNED Can Do, LLC, hereinafter referred to as the Principal, has entered into a certain contract dated _____, 20____, for the construction of:

SUTTON WILDERNESS PARK TRAIL UPGRADES & PARKING LOT ADDITION

WHEREAS, under the ordinances of said City of Norman the said Principal is required to furnish to the City a maintenance bond covering said construction, said bond to include the terms and provisions hereinafter set forth, as a condition precedent to final acceptance of said construction.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That the said Principal and RLI Insurance Company, as a corporation organized under the laws of the State of Illinois, and authorized to transact business in the State of Oklahoma, as surety, are jointly and severally, firmly held and bound unto said City in the penal sum of One Hundred Eighty Seven Thousand Dollars and No Cents (\$187,000.00), in lawful money of the United States of America, same being 100% of the cost of the construction herein referred to for the payment of which, well and truly to be made, we hereby bind ourselves, our heirs, executors, administrators, successors and assigns, firmly by these presents.

The condition of this bond is such that if the said Principal shall keep and maintain, subject to normal wear and tear, the said construction, except for defects not occasioned by improper workmanship, materials, or failure to protect new work until it is accepted, for a period of one year from the date of the written final acceptance thereof by the City, and shall promptly repair, without notice from the City, any and all defects or failures occurring or arising from improper workmanship, materials, or failure to protect new work until it is accepted within a period of one year without notice from said City, and without expense to said City, thence this obligation shall be null and void and of no force and effect; otherwise to be and remain in full force and effect at all times.

Provided further, however, that upon neglect, failure or refusal of the Principal to make any needed repairs upon said construction, or to maintain any part of the same, as set out in the preceding paragraph, within ten (10) days after the mailing of notice to the Principal by letter deposited in the United States Post Office at Norman, Oklahoma, addressed to the Principal at the address set forth below, then the Principal and surety shall jointly and severally be liable to the City, for the cost and expense for making such repairs, or otherwise maintaining the said construction.

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

IN WITNESS WHEREOF, the said Principal has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its duly authorized officers, and the said Surety has

RLI Insurance Company Bond #RCB0043822
Bond #MB-2324-14

caused these presents to be executed in its name its corporate seal to be hereunto affixed by its attorney-in-fact, duly authorized to do so, the day and year first above written.

Executed and delivered this _____ day of _____, 20____.

ATTEST: [Signature]
Corporate Secretary
Can Do, LLC
Company Name

Mailing Address of Principal: BY [Signature]
Principal

14640 E Indian Hills Rd
Newalla, OK 74857
RLI Insurance Company
Surety Name

BY: [Signature]
Lisa Sherman Attorney-in-Fact

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 21st day of July, 2023, personally appeared Christopher Downey to me known to be the identical person who executed the foregoing, and acknowledge to me that He executed the same as His 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.

Notary Public

My Commission Expires: 04/06/24
Commission Number: 16003576

Approved as to form and legality this 2 day of August, 2023.

[Signature]
City Attorney

Approved by the Council of the City of Norman, this ___ day of _____, 20____.

Mayor

ATTEST: _____
City Clerk

POWER OF ATTORNEY

RLI Insurance Company Contractors Bonding and Insurance Company

9025 N. Lindbergh Dr. Peoria, IL 61615
Phone: 800-645-2402

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, each an Illinois corporation, (separately and together, the "Company") do hereby make, constitute and appoint:

W.M. McNeill, Cody McNeill, Lisa Sherman, Wendy Hollen, John Rogers, Larry D. Bixler, Kyle D. Reser, John L. Birsner, Susanne Cusimano, jointly or severally

in the City of Oklahoma City, State of Oklahoma its true and lawful Agent(s) and Attorney(s) in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds and undertakings in an amount not to exceed Twenty Five Million Dollars (\$25,000,000.00) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon the Company as if such bond had been executed and acknowledged by the regularly elected officers of the Company.

RLI Insurance Company and/or **Contractors Bonding and Insurance Company**, as applicable, have each further certified that the following is a true and exact copy of a Resolution adopted by the Board of Directors of each such corporation, and is now in force, to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, as applicable, have caused these presents to be executed by its respective Vice President with its corporate seal affixed this 8th day of June, 2022.



RLI Insurance Company
Contractors Bonding and Insurance Company

By: Barton W. Davis
Barton W. Davis Vice President

State of Illinois }
County of Peoria } SS

CERTIFICATE

On this 8th day of June, 2022, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

I, the undersigned officer of **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** this _____ day of _____.

By: Catherine D. Glover
Catherine D. Glover Notary Public

RLI Insurance Company
Contractors Bonding and Insurance Company
By: Jeffrey D. Fick
Jeffrey D. Fick Corporate Secretary



Resolution

R-2324-27

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING CAN DO, L.L.C., AS PROJECT AGENT FOR THE SUTTON WILDERNESS PARK TRAIL UPGRADE & PARKING LOT ADDITION PROJECT FOR THE CITY OF NORMAN.

- § 1. WHEREAS, the City of Norman, Oklahoma, does hereby acknowledge that the tax-exempt status of this political subdivision is a significant factor in determining the agreed contract price bid by Can Do, L.L.C., for the Sutton Wilderness Park Trail & Parking Lot Addition Project for the City of Norman; and
- § 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on Can Do, L.L.C., its special State and Federal sales tax exemptions and in order to achieve such end, finds it necessary to appoint as its direct purchasing agent, Can Do, L.L.C., to purchase materials which are in fact used for the construction of a 12-car parking lot expansion as well as repairing and surfacing a spur of walking trail in park locations associated with the Sutton Wilderness Park Trail & Parking Lot Addition Project for the City of Norman; and
- § 3. WHEREAS, this limited agent status is conferred with the express understanding that Can Do, L.L.C., shall appoint employees and subcontractors as subagents who shall be authorized to make purchases on their behalf.

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

- § 4. That the City of Norman, Oklahoma, on the _____ day of _____, 2023, did appoint Can Do, L.L.C., who is involved with the Sutton Wilderness Park Trail & Parking Lot Addition Project an agent of the City of Norman, Oklahoma, solely for the purpose of purchasing, on a tax-exempt basis, materials and tangible personal property to be used exclusively for the Sutton Wilderness Park Trail & Parking Lot Addition Project for the City of Norman.

PASSED AND ADOPTED THIS _____ day of _____, 2023

Mayor

ATTEST:

City Clerk



BID AFFIDAVITS

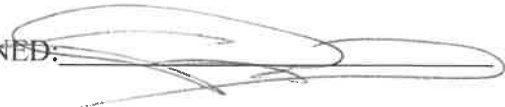
The following affidavits are to accompany the bid:

A. **Non-Collusion Affidavit**

STATE OF Oklahoma)

COUNTY OF Cleveland)

Christopher, of lawful age, being first duly sworn on oath says that (s)he is the agent authorized by the bidder to submit the attached bid. Affiant further states that the bidder has not been a party to any collusion among bidders in restraint of freedom of competition by agreement to bid at a fixed price or to refrain from bidding; or with any government official or employee as to quantity, quality, or price in the prospective contract, of any other terms of said prospective contract; or in any discussions between bidders and any government official concerning exchange of money or other thing of value for special consideration in the letting of a contract; that the bidder/contractor has not paid, given or donated or agreed to pay, give or donate to any officer or employee of the City of Norman (or other entity) any money or other thing of value, either directly or indirectly in the procuring of the award of a contract pursuant to this bid.

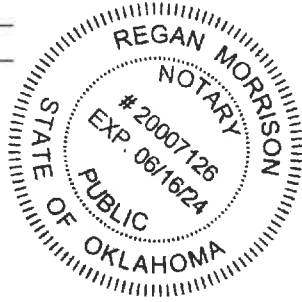
SIGNED: 

Subscribed and sworn to before me this 6 day of July 2023.



Notary Public

My Commission Expires: 6/16/24
Commission Number: 20007126



B. Business Relationships Affidavit

STATE OF Oklahoma)

COUNTY OF Cleveland)

Chaz Quincy of lawful age, being first duly sworn, on oath says that (s)he is the agent authorized by the bidder to submit the attached bid. Affiant further states that the nature of any partnership, joint venture, or other business relationship presently in effect or which existed within one (1) year prior to the date of this statement with the architect, engineer, or other party to the project is as follows:

Affiant further states that any such business relationship presently in effect or which existed within one (1) year prior to the date of this statement between any officer or director of the bidding company and any officer or director of the architectural or engineering firm or other party to the project is as follows:

Affiant further states that the names of all persons having any such business relationships and the positions they hold with their respective companies or firms are as follows:

None

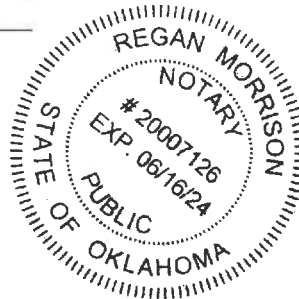
(If none of the business relationships herein above mentioned exist, affiant should so state.)

[Signature]
President

Subscribed and sworn to before me this 6 day of July 2023.

[Signature]
Notary Public

My Commission Expires: 6/16/24
Commission Number: 20007126

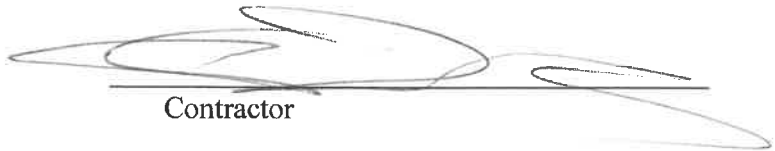


FALSE INFORMATION AFFIDAVIT

STATE OF Oklahoma)
) SS:
COUNTY OF Cleveland)

Chris Downey, of lawful age, being first duly sworn, on oath says that (s)he is the Agent authorized by the Firm/Company of Can Do to submit the above Contract to the City of Norman, Oklahoma.

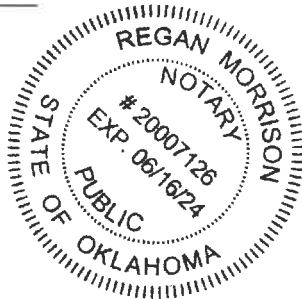
This affidavit further states that neither the bidding company nor any other company, owned or previously owned by anyone who is in an ownership or managerial capacity with the bidding company has ever knowingly submitted false information to the City.


Contractor

Subscribed and sworn to before me this 6 day of July, 2023.


Notary Public

My Commission Expires: 6/16/24
Commission Number: 20007126



CERTIFICATION OF NONDISCRIMINATION

In connection with the performance of work under this contract, the contractor agrees as follows:

- A. Contractor shall comply with U.S. Executive Order 11246 entitled, "Equal Employment Opportunity" as amended by Executive Order 11375 and as supplemented in Department of Labor regulations (41 CFR, Part 60) and applicable state of California regulations as may now exist or be amended in the future. Contractor shall not discriminate against any employee or applicant for employment on the basis of race, color, national origin, ancestry, religion, pregnancy, sex, marital or parental status, political affiliation, sexual orientation, or physical or mental condition.
- B. Regarding handicapped persons, Contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified. Contractor agrees to provide equal opportunity to handicapped persons in employment or in advancement in employment or otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicaps in all employment practices such as the following: employment, upgrading, promotions, transfers, recruitments, advertising, layoffs, terminations, rate of pay or other forms of compensation, and selection for training, including apprenticeship. Contractor agrees to comply with the provisions of Sections 503 and 504 of the Rehabilitation Act of 1973, as amended, pertaining to prohibition of discrimination against qualified handicapped persons in all programs and/or activities as detailed in regulations signed by the Secretary of the Department of Health and Human Services effective June 3, 1977, and found in the Federal Register, Volume 42, No. 68 dated May 4, 1977, as may now exist or be amended in the future.
- C. Regarding Americans with disabilities, Contractor agrees to comply with applicable provisions of Title 1 of the Americans with Disabilities Act enacted in 1990 as may now exist or be amended in the future.

I have read the above stated clause and agree to abide by its requirements.

Chris Danney, President
Name, Title

Sworn to and subscribed before me this 6 day of July, 2023.

Regan Morrison
Notary Public

My commission expires: 6/16/24.



File Attachments for Item:

15. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-50: AN INTERLOCAL AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE UNIVERSITY OF OKLAHOMA IN THE AMOUNT OF \$121,130.20 FOR INTEGRATING THE UNIVERSITY SAFERIDE PROGRAM INTO THE CITY'S MICROTRANSIT PILOT PROGRAM AS OUTLINED IN THE STAFF REPORT.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 08/08/2023

REQUESTER: Taylor Johnson, Transit and Parking Program Manager

PRESENTER: Shawn O’Leary, Director of Public Works

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-50: AN INTERLOCAL AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE UNIVERSITY OF OKLAHOMA IN THE AMOUNT OF \$121,130.20 FOR INTEGRATING THE UNIVERSITY SAFERIDE PROGRAM INTO THE CITY’S MICROTRANSIT PILOT PROGRAM AS OUTLINED IN THE STAFF REPORT.

BACKGROUND:

Over the course of fiscal year 2021-2022 (FYE 2022), City staff presented and discussed many modes of transit which prompted a request from Council for a deeper understanding of “microtransit”. This type of service is relatively new and intended to help fill gaps left between public fixed route bus service and the privatized taxi or rideshare services that many people are familiar with.

Microtransit typically uses cars, vans, or shuttles to provide on-demand or semi-fixed schedule/route services to areas with less population density that do not warrant a larger bus. There are many different ways to implement microtransit services including curb to curb service, corner to corner service, coverage zones for pickup with a specific hub destination, a specific hub origin and coverage zones for destinations, floating stops for fluctuating demand, and various integrations of public and private responsibility.

At the conclusion of FYE 2022, Council amended the FYE 2023 budget to include \$750,000 for a Microtransit Pilot program. In an effort to bring in expertise and fine tune what the service would look like, the City hired the consulting firm HNTB to better understand the goals of the City and explore alternative solutions within the microtransit industry that would meet those goals.

City staff and HNTB conducted two workshops with Council on October 18, 2022 and January 3, 2023 respectively. Following feedback from Councilmembers through those workshops, two recommendations were made. The first was for a microtransit pilot program consisting of turnkey microtransit service that would operate in the late evenings, Monday through Saturday either from 6pm-12am or 7pm-1am, as well as Sundays from 10am-6pm. The second recommendation was to invest in more robust software to improve existing paratransit service in partnership with EMBARK. The recommendation suggests this service be offered in a defined zone and limited in size, which could be proposed by potential vendors as a response to a Request for Proposal (RFP).

City staff and HNTB then worked to create RFP-2223-59, seeking proposals for a Norman Microtransit Pilot Program. This RFP was issued on March 17, 2023 and included the following goals for the Pilot Program:

- Demonstrate the viability of microtransit to augment fixed route transit service in the city.
- Provide transit service during time periods not currently served by City public transit.
- Enhance mobility for residents within the core area of the city.

RFP-2223-59 also provided details of what the City expected of the service, such as:

- A zone of covering the downtown and University of Oklahoma main campus at its core and then expanding outward as the budget allowed.
- Days and times of service being Monday through Friday from 7pm-1am, Saturdays from 6pm to midnight, and Sundays from 10am-6pm with the understanding that this may change over the course of the pilot period.
- System operations such as average and maximum walking distance, passenger wait times, and pooled rides.
- Vehicles were to be owned and maintained by the vendor and seat at least 6 passengers with wheelchair accessible vehicles (WAV) available for those that request them.
- Personnel were to be provided by the vendor to successfully operate the system. The vendor is to conduct appropriate background checks and testing, training, and ensure staff are knowledgeable of the ADA rules and regulations.
- Availability of a smartphone application to book rides and fully automate scheduling and dispatching. The customer-facing component of the app is to include several features such as the ability to request accessible vehicles, accept payment, verify driver, and to see estimated wait/arrive time and vehicle location.
- Customer service provided by the vendor.
- Fares would be finalized after vendor selection with fare collection conducted by the vendor and decreasing the overall cost of the service to the City. Options for those that are unbanked should be proposed.

Proposals were scored by the selection committee using the evaluation criteria in the RFP which included: responsiveness to scope of work, past performance and references, cost, qualifications of project staff, qualifications of firm, and if the proposal included an Oklahoma-based firm or satellite office.

At the conclusion of the evaluation process, River North Transit, LLC (a wholly owned subsidiary of Via Transportation, Inc.) was selected as the most qualified proposer. Upon the staff recommendation, Council approved Contract K-2223-164 on June 27, 2023. River North Transit (Via) will be joined by Anglin PR, a local disadvantaged business enterprise (DBE)-certified marketing and engagement firm, as a sub-consultant assisting with public engagement.

The scope of services shown in Exhibit A of K-2223-164 meets all of the requirements of the RFP. It is expected that some of the specifics of the service, such as the zone or fare, may be altered during the pilot period as both parties gain better understanding of the travel demands during the pilot program. Some highlights of the scope of services are:

- The zone for the pilot is based on the pilot budget and expected high demand areas. The zone was initially proposed by the vendor and then slightly modified in some areas through discussions with City staff. An image of the proposed zone is in Exhibit A.

- Following discussions with the vendor, the fare is proposed to be a flat rate of \$2 per ride plus an additional \$1 per extra passenger accompanying the rider. Half fare will be available for seniors and those with disabilities.
- Nearly all rides will be offered on a corner-to-corner model, where the rider may be expected to meet the service vehicle at a specific location nearby. Those with disabilities will be offered a curb-to-curb service. All rides will be shared or grouped together as much as possible to make the service more efficient and cost effective.

The requirements for operating characteristics and metrics listed below were included in the RFP and will be used as a part of the evaluation of the pilot program. It should be noted that the estimates from River North Transit's (Via's) proposal meets or exceeds each of these characteristics.

- Average walking distance: less than 0.10 miles.
- Maximum walking distance: less than 0.25 miles.
- Average wait time: less than 15 minutes.
- Maximum wait time: 20 minutes
- Percentage of on-time ride requests: 80%
- Average time added to shared trips: less than 8 minutes.

Staff anticipates service according to the existing contract to begin on or around the start of the University of Oklahoma fall 2023 semester, or August 21. This microtransit service will operate for 12 months or until August 2024, City Council may choose to extend the services as a part of the FYE 2025 budget process.

DISCUSSION:

For many years the University of Oklahoma has offered a "SafeRide" program to students needing a ride between 10pm-3am on Thursday, Friday, and Saturday. This initially began as a way to discourage drinking and driving. That program has evolved over the years from paper vouchers given to contract service providers to now having an app that students can use to book their rides. In addition, the University has found that some students use the service to go grocery shopping late at night or run other errands.

City and University staff have discussed the overlap of the service proposal between the City and Via and the historically provided SafeRide service offered. It was identified that there may be efficiencies in combining resources to have 1 late night transit service for the community. After more discussions, staff from both parties agreed that it would be beneficial to expand the City and Via proposed service to incorporate the University's SafeRide program.

The attached Contract K-2324-50 shows the University agreeing to reimburse the City in an amount not to exceed of \$121,130.20. These are costs associated with incorporating an expansion of service hours, service area, and the need for an additional vehicle to meet the demand of the SafeRide program. Specifically those include:

- Expanding the Thursday, Friday, and Saturday end of service time from 1am to 3am.
- Expanding the zone slightly as shown in the attached agreement. Larger expansions are proposed to the east and southeast of the original proposed zone.
- Increasing the number of vehicles from 4 to 5.

Please note that this is a companion item to Via's contract K-2223-164 Amendment No. 1. It is recommended that the reimbursement received from the University for this service be deposited into the Public Transit Fund, Reimbursements – Other Intergovernmental (account 279-364238) to offset the additional cost associated with K-2223-164 Amendment No. 1.

RECOMMENDATION:

1. Staff recommends that City Council approve Contract K-2324-50 by and between the City of Norman, Oklahoma, and the University of Oklahoma in the amount of \$121,130.20 for integrating the University SafeRide program into the City's microtransit pilot program as outlined in the staff report.
2. Staff recommends that reimbursements associated with K-2324-50 be deposited into Reimbursements – Other Intergovernmental (account 279-364238) to offset expenses incurred associated with companion item K-2223-164 Amendment No. 1, if approved.

**AGREEMENT FOR UNIVERSITY SAFERIDE PROGRAM OPERATING THROUGH
CITY MICROTRANSIT SERVICE**

This agreement is made and entered into this 8 day of August, 2023, by and between the Board of Regents of the University of Oklahoma (herein referred to as “the University”) and the City of Norman (herein referred to as the “City”).

WHEREAS, the University offers a SafeRide program for its currently enrolled students; and

WHEREAS, the City is contracting with a third party vendor to operate a microtransit pilot program for the residents of Norman to provide rides during some of the hours when the fixed bus route service is unavailable; and

WHEREAS, the City will require funds to expand the microtransit pilot service hours and area of service to accommodate the University’s Safe Ride hours and area of operation; and

NOW, THEREFORE, the Parties agree to the following:

- I. Definitions. The following words and terms, when used herein, shall have the following meaning, unless the context clearly indicates otherwise:
 - A. “Zone” means the area indicated on Exhibit A where microtransit rides can be accessed.
 - B. “Hours of Operation” means the hours that microtransit services will be accessible to residents of Norman and University students in general, and what the specific SafeRide hours are, as shown in Exhibit B.
 - C. “Fare” means the amount passengers pay for a one-way trip. During SafeRide hours, University Students will ride fare-free. During all other hours, University Students will be required to pay the current fare rate identified in Exhibit B.
 - D. “University Students” are individuals who are currently enrolled at the University.
 - E. “Work” shall mean the services provided by the City in setting up a microtransit service, providing rides and a system to track University Students using the microtransit services.
 - F. “Price” shall be the monthly operating cost, \$13,459.80, paid by the University to expand the microtransit service from August 2023 through May 2024 for a total cost of \$121,130.20 for 9 months as shown in Exhibit C.
 - G. “City Vendor” for microtransit services is River North Transit, LLC d/b/a Via
 - H. “Invoice” from City to University for its charges as set out below shall include City’s name, contract number, invoice number, purchase order number, a description of the Work provided, including dates, materials, reimbursables, etc., and detail of amount billed.

II. Obligations of the City.

- A. Upon execution of this Agreement by the Parties, the City will ensure that microtransit services are available at least by August 21, 2023, in the zone identified in Exhibit A, and operating during the hours indicated on Exhibit B.
- B. The City agrees that University Students will be identified by utilizing their University email address to create a login for the microtransit service.
- C. The City agrees to provide certain University staff access to the microtransit vendor dashboard to analyze University Student ridership data, contingent on approval of the vendor. Those specific University staff members are shown below:

| Name | Title |
|---------------------|-----------------------------------------------------------------------------|
| Kasra George Ahmadi | Director, Student Government and Organization Services |
| Brynn Daves | Assistant Vice President for Student Affairs and Associate Dean of Students |
| Josh Harper | IT Technology Strategist |

- D. The City will invoice the University on a monthly basis for the services provided to students during the previous month. Any provision in an order form or other attachment provided by the City shall be subordinate to the provisions of the body of this Contract, and any City term incorporated by reference into any such attachment shall be of no effect.
- E. The City and its vendor is an independent contractor and is not an employee, partner, principal, agent, or co-venturer of, or in any other similar relationship with, the University. The way the City's vendor performs the Work shall be consistent with the terms of this Contract but is otherwise within the City's sole control and discretion. The City is not authorized to speak for, represent, or obligate the University in any manner without the prior express written authorization from an executive officer of the University.
- F. Confidential information received by the City or the City's Vendor shall remain confidential and shall be identified as such during the course of any Open Records requests received by the City. The City acknowledges that portions of the data that the City and its vendor may gain access to in order to provide the services addressed herein may fall under the Family Educational Rights and Privacy Act (FERPA) (34 CFR Section 99.3 (1974)) and the federal Gramm-Leach- Biley Act (GLBA) (15 U.S.C. Section 6801, *et seq.*) as such the City certifies that it and its vendor must (i)

take sufficient steps to safeguard the information and data from unauthorized disclosure, (ii) only use the information and education records consistent with the purpose for which they are created or provided under this Contract, and (iii) not disclose such information to any third-party not already a part of this Contract. The City agrees that any student education records in its, or its vendor(s), possession will be properly disposed of according to applicable retention and disposal laws or regulations or returned to the University upon the Contract's completion.

- G. Nondiscrimination. The City and its vendor shall not discriminate because of race, color, sex, age, religion, sexual orientation, gender identity, gender orientation, national origin, handicap, or payment source, or on any other basis prohibited by applicable law while performing the Work.
- H. Harassment. The City acknowledges and agrees the University has a legal obligation to investigate and remedy potentially unlawful actions taken against its students, faculty, or staff or concerning operations or services on University-owned or controlled premises. The City agrees to (i) cooperate with the University in meeting such obligations, including any actions or investigations, and (ii) take remedial actions necessary to address harassment or discrimination. If University determines that the remedial action taken or proposed by the City is unacceptable, the University may terminate this Contract immediately without cost or penalty.
- I. Violent/Sex Offenders.
- (i) The City agrees it will not provide services to children while operating on University-owned or controlled premises without complying with the Sex Offenders Registration Act, 57 O.S. § 581, et seq. and the Mary Rippy Violent Crime Offenders Registration Act, 57 O.S. § 591, et seq. If the City does provide services to children, the City certifies that it does not and will not employ any individual registered under the Sex Offenders Registration Act or the Mary Rippy Violent Crime Offenders Registration Act. The City agrees to obtain signed statements from all employees and agents performing services on the University campuses or premises that such employee or agent is not currently required to register under the Sex Offenders Registration Act or the Mary Rippy Violent Crime Offenders Registration Act.
- (ii) Removal. After receipt of written notice from the University, the City shall immediately remove any employee, agent, or other City representative who participates in improper or illegal acts, violates any University rule or regulation or any provision of this Contract, or whose continued presence on University-owned or controlled premises is, in the University's sole opinion, deemed not to be in the best interests of the University.
- J. The City may publish the University's name on the City's advertising materials, website, and online services acknowledging the University is a client, provided the acknowledgement does not unduly emphasize the University and cannot be construed

as an endorsement by the University. Such right does not include the use of University logos or trademarks.

- K. **Audit.** The City shall permit any representative of the State, University, or other authorized agency with jurisdiction over the University to access, inspect, or audit the books, records, or other data arising from the access to the City's microtransit services provided under this Contract.
- L. **Network Security.** The City shall adhere to University policies concerning acceptable use of internet and electronic mail, facility, and data security, as modified or amended from time to time. The City is responsible for reviewing and relaying such policies to the City's employees, agents, and subcontractors.
- M. **Debarment.** By executing this Contract, the City certifies that neither the City nor any of its proposed subcontractors are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded in any State or Federal department or agency.
- N. **Laws.** In providing the Work, City shall comply with all applicable (a) laws, ordinances, rules, orders, and regulations of federal, state, and municipal governments and (b) University policies when City's employees, agents, representatives, or invitees are on University-owned or controlled premises or providing University-supported programs. This Contract is governed by the laws of the State of Oklahoma, without giving force and effect to its choice of law provisions. Any legal action shall be filed in the District Court of Cleveland County, Oklahoma, to which exclusive jurisdiction and venue the Parties hereby expressly agree.
- O. **Status Verification.** If applicable, the City certifies that it and all proposed subcontractors, whether known or unknown at the time this contract is executed or awarded, comply with 25 O.S. §1313 and participate in the Status Verification System. The Status Verification System is defined in 25 O.S. §1312 and includes but is not limited to the free Employee Verification Program (E-Verify) available at www.dhs.gov/E-Verify.

III. Obligations of University.

- A. The University shall ensure its records of enrolled students are accurate. The City and its vendor will require University students to create an account with the vendor using their University domain email address. To create an account, the user must verify their email address by accessing a verification email sent to it. If they are able to verify, the City and its vendor will take this as proof they are a current student and are able to access the SafeRide service

- B. The University shall pay invoices for services provided, and its agreed monthly share of operating costs. The University shall not pay or compensate the City for changes to the Work unless the changes are first approved in writing by the University and the parties have agreed upon the appropriate adjustment, if any, to the Price.
- C. The University will be allowed to include the City's name/logo, and microtransit service name/logo on program information when it markets SafeRide services. Any such marketing and communications released by the University should be provided to City's Chief Communications Officer, Tiffany Vrska by email at: Tiffany.Vrska@NormanOK.gov and to the City's Transit and Parking Program Manager, Taylor Johnson by email at: Taylor.Johnson@NormanOK.gov.

IV. Termination and Default.

(a) This agreement shall be effective through May 30, 2024 when it shall terminate automatically, however if either party feels the other is in default of its obligations under this contract, then written notice shall be provided allowing the other party thirty (30) calendar days to correct, if after thirty (30) calendar days the issue has not been resolved then the complaining party may send notice of termination effective thirty (30) calendar days after the notice of termination is received by the party alleged to be in default.

(b) Termination shall not relieve the University of any payment obligations incurred for Work rendered in accordance with the Contract before the termination date, and that the University shall not be responsible for further payments ordinarily due under the Contract or for any compensation, damages, costs, or other amounts arising from termination. Upon receiving a termination notice, City or University shall take all necessary steps to minimize all compensation, costs, or other amounts that may be charged to the University or due to the City.

(c) Immediately upon termination, the City shall: (i) return to the University any equipment or property provided by the University to the City in connection with or furtherance of the Work, including, but not limited to, computers, laptops, and personal management tools, and (ii) return to the University any Confidential Information.

(d) If a dispute arises out of or in connection with this Contract, the Parties agree to meet to pursue resolution through negotiation or other appropriate dispute resolution process before resorting to litigation. All information exchanged during this meeting, or any subsequent dispute resolution process, shall be regarded as "without prejudice" communications for the purpose of settlement negotiations and shall be treated as confidential by the Parties and their representatives unless otherwise required by law. However, evidence that is independently admissible or discoverable shall not be rendered inadmissible or non-discoverable by virtue of its use during the dispute resolution process.

- V. Indemnification. The University agrees to defend, indemnify, and hold harmless the City, its officers, servants, and employees, from and against any and all liability, loss, damage, cost, and expense (including attorneys' fees and accountants' fees) caused by an error, omission, or negligent act of the University in the performance of its obligations under this Agreement, provided such indemnification shall be applicable only to the extent sovereign immunity has been waived pursuant to Oklahoma law. City agrees to defend, indemnify, and hold harmless the University, its officers, servants, and employees, from and against any and all liability, loss, damage, cost, and expense (including attorneys' fees and accountants' fees) caused by an error, omission, or negligent act of the City in the performance of services under this Agreement, provided such indemnification shall be applicable only to the extent sovereign immunity has been waived pursuant to Oklahoma law. The University and the City each agree to promptly service notice on the other party of any claims arising hereunder, and shall cooperate in the defense of such claims. None of the foregoing provisions shall deprive the City or the University of any action, right, or remedy otherwise available at common law.
- VI. Notices. All notices regarding the terms of this contract shall be sent in writing, by certified U.S.P.S., expedited delivery services, or by email to the contact information set out below:

University of Oklahoma

George Ahmadi
 Director, Student Government and Organization Services
 Office of Student Affairs
 900 Asp Ave. Ste. 265, Norman, OK 73019
kg@ou.edu

Copy to:

The Office of Legal Counsel
 Attn: SafeRide
 Evans Hall, 660 Parrington Oval, Ste. 213, Norman, OK 73019-3073
 Email

City of Norman

Taylor Johnson
 Transit and Parking Program Manager
 1310 Da Vinci St.
 Norman, OK 73069
Taylor.Johnson@NormanOK.gov

Copy to:

Kathryn Walker
 City Attorney
 201 West Gray

P.O. Box 370
Norman, OK 73070
City_Attorney@NormanOK.gov

The Parties hereto shall not refuse to accept delivery of any such notice.

- VII. (a) Both Parties represent that they have full power, authority, and legal right to execute and carry out their respective obligations under this Contract.
- (b) This Contract (i) constitutes the complete agreement and supersedes all prior discussions and understandings with respect to the subject of this Contract, whether written or oral; (ii) shall not be amended, restated, modified, or supplemented except by mutual agreement of the Parties in writing and signed by each of the Parties; and (iii) is binding and inures to the benefit of the Parties, their respective heirs, executors, administrators, successors, and permitted assigns.
- VIII. Notwithstanding any provision of this Contract, this Contract is entered subject to the Oklahoma State Constitution, statutes, common law, regulations, and the doctrine of sovereign immunity, none of which are waived by the University, nor is any other right or defense available to the University.
- IX. Rights and obligations under this Contract which by their nature should survive, including without limitation warranties, certain payment and performance obligations, confidentiality obligations, security incident and data breach obligations, and indemnification obligations attributable to claims arising during the Contract term, remain in effect after termination of this Contract.
- X. The headings used in this Contract are for convenience only and do not constitute new terms or affect the interpretation of any provision of this Contract.
- XI. The invalidity or unenforceability of any provision of this Contract shall not affect the validity or enforceability of any other provision. To the extent any provision conflicts with any applicable law, no representation or warranty is made regarding the enforceability of any such provision.
- XII. Any waiver by either Party of the other Party's failure to perform any provision of this Contract is not a waiver of a right to subsequently insist on performance or pursue any remedy for that failure.
- XIII. This Contract may be executed in counterparts.

[The remainder of this page left blank intentionally]

IN WITNESS WHEREOF, the City and the University have caused this Agreement to be duly executed and delivered as of the date first above written.

BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA

Kimberely Helton

Name: Kimberely Helton

Title: Assistant Director of Procurement

CITY OF NORMAN

APPROVED this ____ day of _____, 2023, by the Norman City Council.

MAYOR

ATTEST:

Brenda Hall, City Clerk

APPROVED as to form and legality this 3 day of August, 2023.

Allyson

City Attorney

EXHIBIT A - Zone

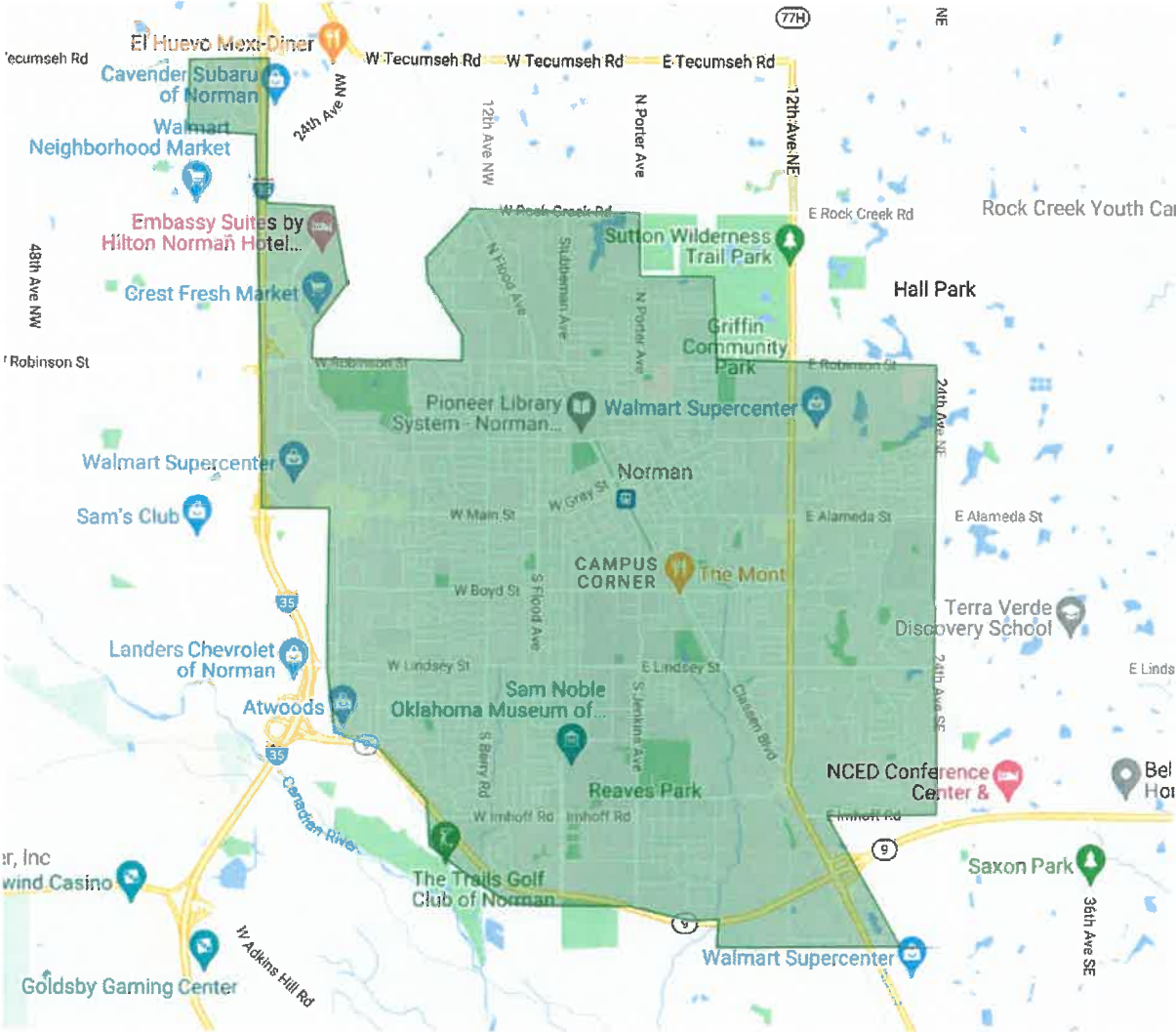


EXHIBIT B – HOURS OF OPERATION

Microtransit service shall be provided from 7pm-1am, Monday through Friday, and 10am-6pm on Sunday's during the agreement. During the agreement, August 2023 through May 2024, the microtransit service will be extended to meet the University's historical SafeRide operating hours, extending the service hours to end at 3am on Thursdays, Fridays, and Saturdays. During SafeRide operation hours (10 p.m. – 3 a.m.), students will receive free (at no personal cost) transportation. The following holidays will not have microtransit service.

Memorial Day
Labor Day
Independence Day

SafeRide hours of operation will be 10pm-3am on Thursdays, Fridays, and Saturdays.

EXHIBIT C – PRICE

| (\$ in USD) | Cost | Vehicle Hours | Hourly Rate |
|-----------------------------------------------------------------------------|-------------------|----------------------|--------------------|
| Original City Contract with Vendor | \$ 639,413 | 5,491 | \$ 99.70 |
| Additional vehicle & added service hours (OU Safe Ride Thu - Sat 1am - 3am) | \$ 89,279 | 855 | \$ 104.42 |
| CON Contract + Additional Safe Ride Hours Subtotal | \$ 728,692 | 6,346 | - |
| Additional service hours required for zone/demand expansion (Sun - Wed) | \$ 31,851 | 799 | \$ 39.86 |
| New NTE | \$ 760,543 | 7,145 | \$ 94.83 |
| Total NTE Increase | \$ 121,130 | | |

File Attachments for Item:

16. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-51: BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY AND THE BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA TO PROVIDE SOLID WASTE DISPOSAL SERVICES FOR THE UNIVERSITY OF OKLAHOMA FROM AUGUST 1, 2023 TO JUNE 30, 2026.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 07/24/2023

REQUESTER: Bret Scovill Solid Waste Division Manager

PRESENTER: Bret Scovill Solid Waste Division Manager

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-51: BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY AND THE BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA TO PROVIDE SOLID WASTE DISPOSAL SERVICES FOR THE UNIVERSITY OF OKLAHOMA FROM AUGUST 1, 2023 TO JUNE 30, 2026.

BACKGROUND:

The University of Oklahoma (OU) has contracted with the City for their disposal of municipal solid waste at our Transfer Station since January 1996. Over the past few years, the average annual solid waste brought to the Transfer Station by OU has slightly decreased to approximately 3,700 tons. As such, the waste stream provided by the University is approximately 3% of the waste stream collected at the transfer station. The current contract rate for disposal is \$52.77/ton. Similar to previous contracts, the proposed contract provides for an increase in rates each year over the next three years.

DISCUSSION:

The term of this agreement shall be for three years, beginning with an effective date of August 1, 2023 and ending June 30, 2026. The agreement is as follows:

\$54.74 per ton for FYE24 (August 1, 2023 through June 30, 2024),

\$56.79 per ton for FYE25 (July 1, 2024, through June 30, 2025),

\$58.92 per ton for FYE26 (July 1, 2025, through June 30, 2026).

The revenue will be received into the Sanitation Enterprise Fund, Fees-Sales-Trash-OU-Transfer Station (account 339 346667).

RECOMMENDATION:

Staff is requesting approval of the agreement between The Norman Municipal Authority, and the Board of Regents of The University of Oklahoma.

SOLID WASTE DISPOSAL AGREEMENT

CONTRACT K-2324-51

This agreement is entered into this _____ of _____, 2023, between THE NORMAN MUNICIPAL AUTHORITY, hereafter referred to as NMA and the Board of Regents of THE UNIVERSITY OF OKLAHOMA.

I. Term of Agreement: The term of this agreement shall be for three years, beginning August 1, 2023, and ending June 30, 2026.

II. Price for Disposal: The price to The University of Oklahoma is \$54.74 per ton for Fiscal Years Ending 2024 (August 1, 2023 through June 30, 2024), \$56.79 per ton for Fiscal Year Ending 2025 (July 1, 2024, through June 30, 2025).) and, \$58.92 per ton for Fiscal Year Ending 2026 (July 1, 2025, through June 30, 2026). If the scales are not operational, they will be repaired as soon as possible. The waste delivered to the site on those occasions will be measured by the cubic yard at a price of \$19.71 per cubic yard.

III. Payment Terms and Condition of Payment: The NMA shall invoice The University of Oklahoma in arrears at the above rate determined in accordance with the volume of waste disposed of at the Norman Transfer Station. Said invoice shall be accompanied by data describing the date and tonnage delivered to the Transfer Station. The University of Oklahoma agrees to pay said invoice within Forty-five (45) days from the invoice date.

IV. Acceptable Waste is defined as any and all waste that is solid waste, as the latter term is defined in the laws of the United States and/or Oklahoma and/or the regulations promulgated thereunder, and that is acceptable for disposal in a landfill. Unacceptable Waste Includes "Hazardous Waste" which is also defined by the laws of the United States and the State of Oklahoma. Hazardous Waste includes the following:

- a. Because of its quantity, concentration, or physical, chemical, or infectious' characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise improperly managed.
- b. Is identified or listed as a hazardous waste by the administrator, U.S. Environmental Protection Agency, pursuant to the Federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976.
- c. Is required to be accompanied by a written manifest or shipping document describing the waste as "hazardous waste", pursuant to any state or federal law, including, but not limited to, the Federal Solid Waste Disposal Act, as amended by RCRA of 1976, and the state and federal regulations promulgated thereunder.
- d. Contains polychlorinated biphenyl or any other Substance, the storage, treatment or disposal of which is subject to regulation under the Federal Toxic Substances Control Act as amended and the state and federal regulations promulgated thereunder.

K-2324-51

- e. Contains a "reportable quantity" of one or more "hazardous substances", as defined in the Federal Liability Act as amended and the state and federal regulations promulgated thereunder or as defined under any other state or federal law and the regulations promulgated thereunder.
- f. Sludge waste, including water supply treatment plant sludge and un-stabilized sludge from municipal or industrial wastewater treatment plants.
- g. Dead animals and/or slaughterhouse waste.
- h. Any waste, including "special wastes" and/or "miscellaneous special wastes" as defined herein, which because of its quantity, concentration, frequency of disposal, required disposal procedures, regulatory status, or physical, chemical, infectious or other characteristics jeopardizes or may jeopardize the environmentally sound operation of the Norman Transfer Station, as determined by the City of Norman in its sole discretion. Special waste means any waste, even though it may be part of delivered load of waste, which meets the following:
- 1) Defined as such by the laws of the United States and/or the State of Oklahoma and/or the regulations promulgated thereunder.
 - 2) Medical waste, including infectious or laboratories, research facilities, and facilities. Pathological waste from health and veterinary
 - 3) Liquid waste, which for the purposes of this agreement, means any waste material that is determined to contain "free liquid" by the paint filter test.
 - 4) Waste from an industrial process. .
 - 5) Waste from a pollution control process.
 - 6) Waste transported in a bulk tanker.
 - 7) Friable and/or non-friable asbestos waste.
 - 8) Empty containers used for pesticides, herbicides, fungicides or rodenticide.
 - 9) Containerized waste (e.g. a drum, barrel, portable tank, box, pail, etc.) of a type listed herein.
 - 10) Residue or debris from the cleanup of a spill or release of chemical substances, commercial products or other wastes listed in this definition.
 - 11) Soil, water, residue, debris or articles which are contaminated from the cleanup of a site or facility formerly used for the generation, storage, treatment, recycling, reclamation, or disposal of wastes listed in this definition, including soil contaminated from underground storage tanks used for the storage of petroleum products.
 - 12) Any waste that requires other than normal handling, storage, management and/or disposal.
- V. Unacceptable Waste: This defined as any and all waste that is either:
- a. Waste which is now or in the future prohibited from disposal at a sanitary landfill by state, federal and/or local laws and/or the regulations promulgated thereunder.

K-2324-51

b. Hazardous or Special Waste as defined In paragraph IV of the agreement.

VI. Operating Hours: The Norman Transfer Station will operate 5 days a week Monday through Friday from 7:30 a.m. - 4:30 p.m.: Saturdays from 8:00 a.m. - 2:00 p.m. The Transfer Station will be closed on Thanksgiving, Christmas and New Year's Day. If the University of Oklahoma desires to have the Transfer Station open at another time separate from normal operating hours, prior coordination with the Sanitation Division, Norman Utilities Department (405) 329-1023 can be made on a limited basis.

VII. Termination: Either party may terminate this agreement by giving 30 days' notice, in writing, to the other party. In addition, failure to comply with any of the terms and conditions of the agreement shall be grounds for termination.

VIII. IN WITNESS WHEREOF, The University of Oklahoma and the NMA have executed this agreement on the 12 Day of July, 2023.



THE BOARD OF REGENTS OF

THE UNIVERSITY OF OKLAHOMA

By: [Signature]

Title: AVP - Facilities Management

ATTEST

Secretary

Meghan Warren

THE NORMAN MUNICIPAL AUTHORITY

By: _____

CHAIRPERSON

ATTEST:

SECRETARY

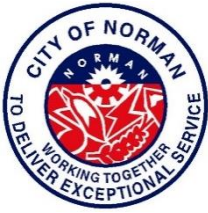
Approved as to form and legality this 2nd day of August, 2023

[Signature]

City Attorney

File Attachments for Item:

17. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-52: AN ENTERPRISE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC., (ESRI) TO PROVIDE SOFTWARE AND SOFTWARE MAINTENANCE AND SUPPORT FOR THE CITY OF NORMAN'S ENTERPRISE GEOGRAPHIC INFORMATION SYSTEM (GIS) IN THE AMOUNT OF \$82,500 PER YEAR FOR A PERIOD OF THREE YEARS.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 08/08/2023

REQUESTER: Joyce J. Green, GIS Services Manager

PRESENTER: Joyce J. Green, GIS Services Manager

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-52: AN ENTERPRISE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC., (ESRI) TO PROVIDE SOFTWARE AND SOFTWARE MAINTENANCE AND SUPPORT FOR THE CITY OF NORMAN'S ENTERPRISE GEOGRAPHIC INFORMATION SYSTEM (GIS) IN THE AMOUNT OF \$82,500 PER YEAR FOR A PERIOD OF THREE YEARS.

BACKGROUND:

In its September 8, 1992 meeting, City Council approved the purchase of Arc/Info software from Environmental Systems Research Institute, Inc. (ESRI). This software is the core development and analysis environment for the City's geographic information system (GIS). For 17 years, the City maintained the software with Annual Software Support Agreements. In 2009, The City of Norman entered into a Small Government Term Enterprise Agreement (SGEA) with ESRI. The SGEA is a three-year agreement that allows the City to deploy the core components of the ArcGIS Enterprise Software and Desktop software in uncapped quantities throughout the city. This allows the city to respond to changing priorities more quickly. It also saved the city money over the traditional purchase of software and maintenance separately. This agenda item is a request that the City enter into Contract K-2324-52, which will be the sixth three-year SGEA with ESRI. While the software covered by the SGEA is used by all City departments, the funds to purchase the core components of ArcGIS Enterprise were consolidated into two departments in 2013, Planning and Utilities, to streamline administration of the contract.

DISCUSSION:

GIS data and ESRI software are deeply integrated into many of the City's business practices. If the City allows the SGEA to lapse, we will lose access to all ESRI software on August 26, 2023. ESRI software includes all ArcGIS Server and Desktop software, and ArcGIS Online access. This software is required for the Munis work order software used in the Utility and Public Works Departments; maintaining the base data for the New World Systems used by the Police and Fire Departments; the Community Analyst Application used by the Retail Marketing Coordinator, the external website that allows citizens to access GIS information and aerial photography; and the

internal web services and Desktop software that are used by Planning and Public Works to administer the development process.

The SGEA is a three-year contract, which costs \$82,500 per year and provides unlimited licensing and maintenance of all of ESRI's core GIS software products. The price has increased over the previous EA, because the City of Norman now has a population of more than 125,000. The cost of the EA is based on the population of the jurisdiction entering into the EA with ESRI. This contract will lock in the EA price for the next three years. The software products included in the EA are as follows:

Uncapped Quantities

Desktop Software and Extensions (Single Use)

ArcGIS Desktop Advanced

ArcGIS Desktop Standard

ArcGIS Desktop Basic

ArcGIS Desktop Extensions: ArcGIS 3D Analyst, ArcGIS Spatial Analyst, ArcGIS Geostatistical Analyst, ArcGIS Publisher, ArcGIS Network Analyst, ArcGIS Schematics, ArcGIS Workflow Manager, ArcGIS DataReviewer

Enterprise Software and Extensions

ArcGIS Enterprise (Advanced and Standard)

ArcGIS Monitor

ArcGIS Enterprise Extensions: ArcGIS 3D Analyst, ArcGIS Spatial Analyst, ArcGIS Geostatistical Analyst, ArcGIS Network Analyst, ArcGIS Schematics, ArcGIS Workflow Manager, ArcGIS Data Reviewer

Enterprise Additional Capability Servers

ArcGIS Image Server

Developer Tools

ArcGIS Runtime Standard

ArcGIS Runtime Analysis Extension

Limited Quantities

One (1) Professional subscription to ArcGIS Developer

Two (2) ArcGIS CityEngine Single Use Licenses

500 ArcGIS Online Viewers

500 ArcGIS Online Creators

62,500 ArcGIS Online Service Credits

500 ArcGIS Enterprise Creators

7 ArcGIS Insights in ArcGIS Enterprise

7 ArcGIS Insights in ArcGIS Online

100 ArcGIS Location Sharing for ArcGIS Enterprise

100 ArcGIS Location Sharing for ArcGIS Online

5 ArcGIS Parcel Fabric User Type Extensions (Enterprise)

5 ArcGIS Utility Network User Type Extensions (Enterprise)

5 ArcGIS Trace Network User Type Extensions (Enterprise)

Also included in the EA are:

Instructor-led Training - Five percent (5%) discount on all individual commercially available instructor-led training classes at ESRI facilities purchased outside this Agreement

User Conference passes - 4 passes to each Annual User Conference

Number of Tier 1 Help Desk individuals authorized to call ESRI - 4 authorized callers

Environmental Systems Research Institute, Inc. (ESRI) is the only source of support for ArcGIS software products. Section 12-204(b)(2) of the Code of the City of Norman authorizes the City Council to waive competitive bidding for the purchase of supplies, materials, equipment, or contractual services which can only be furnished by a single dealer or have a uniform price wherever bought. Funds for the Enterprise Agreement are available in the in the following Maintenance & Repair Services accounts:

\$74,322 in Planning/GIS Services Division Maintenance & Repair Contract Data (Account 10440150-44226)

\$8,178 in Utilities/Administration Division Maintenance & Repair Contract Data (Account 31955330-44226).

RECOMMENDATION:

Staff recommends City Council approve Contract K-2324-52, Enterprise License Agreement between the City of Norman and Environmental Systems Research Institute, Inc. and authorize the payment for the first year of the contract in the amount of \$82,500.

Esri Use Only:

Cust. Name _____
 Cust. # _____
 PO # _____
 Esri Agreement # 00322181.0



esri

THE
SCIENCE
OF
WHERE

**SMALL ENTERPRISE AGREEMENT
 COUNTY AND MUNICIPALITY GOVERNMENT
 (E214-4)**

This Agreement is by and between the organization identified in the Quotation ("**Customer**") and **Environmental Systems Research Institute, Inc. ("Esri")**.

This Agreement sets forth the terms for Customer's use of Products and incorporates by reference (i) the Quotation and (ii) the Master Agreement. Should there be any conflict between the terms and conditions of the documents that comprise this Agreement, the order of precedence for the documents shall be as follows: (i) the Quotation, (ii) this Agreement, and (iii) the Master Agreement. This Agreement shall be governed by and construed in accordance with the laws of the state in which Customer is located without reference to conflict of laws principles, and the United States of America federal law shall govern in matters of intellectual property. The modifications and additional rights granted in this Agreement apply only to the Products listed in Table A.

**Table A
 List of Products**

Uncapped Quantities**Desktop Software and Extensions (Single Use)**

ArcGIS Desktop Advanced
 ArcGIS Desktop Standard
 ArcGIS Desktop Basic
 ArcGIS Desktop Extensions: ArcGIS 3D Analyst,
 ArcGIS Spatial Analyst, ArcGIS Geostatistical Analyst,
 ArcGIS Publisher, ArcGIS Network Analyst, ArcGIS
 Schematics, ArcGIS Workflow Manager, ArcGIS Data
 Reviewer

Enterprise Software and Extensions

ArcGIS Enterprise (Advanced and Standard)
 ArcGIS Monitor
 ArcGIS Enterprise Extensions: ArcGIS 3D Analyst,
 ArcGIS Spatial Analyst, ArcGIS Geostatistical Analyst,
 ArcGIS Network Analyst, ArcGIS Schematics, ArcGIS
 Workflow Manager, ArcGIS Data Reviewer

Enterprise Additional Capability Servers

ArcGIS Image Server

Developer Tools

ArcGIS Runtime Standard
 ArcGIS Runtime Analysis Extension

Limited Quantities

One (1) Professional subscription to ArcGIS Developer
 Two (2) ArcGIS CityEngine Single Use Licenses
 500 ArcGIS Online Viewers
 500 ArcGIS Online Creators
 62,500 ArcGIS Online Service Credits
 500 ArcGIS Enterprise Creators
 7 ArcGIS Insights in ArcGIS Enterprise
 7 ArcGIS Insights in ArcGIS Online
 100 ArcGIS Location Sharing for ArcGIS Enterprise
 100 ArcGIS Location Sharing for ArcGIS Online
 5 ArcGIS Parcel Fabric User Type Extensions (Enterprise)
 5 ArcGIS Utility Network User Type Extensions (Enterprise)
 5 ArcGIS Trace Network User Type Extensions (Enterprise)

OTHER BENEFITS

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Number of Esri User Conference registrations provided annually | 4 |
| Number of Tier 1 Help Desk individuals authorized to call Esri | 4 |
| Maximum number of sets of backup media, if requested* | 2 |
| Five percent (5%) discount on all individual commercially available instructor-led training classes at Esri facilities purchased outside this Agreement | |

*Additional sets of backup media may be purchased for a fee

Customer may accept this Agreement by signing and returning the whole Agreement with (i) the Quotation attached, (ii) a purchase order, or (iii) another document that matches the Quotation and references this Agreement ("**Ordering Document**"). **ADDITIONAL OR CONFLICTING TERMS IN CUSTOMER'S PURCHASE ORDER OR OTHER DOCUMENT WILL NOT APPLY, AND THE TERMS OF THIS AGREEMENT WILL GOVERN.** This Agreement is effective as of the date of Esri's receipt of an Ordering Document, unless otherwise agreed to by the parties ("**Effective Date**").

Term of Agreement: Three (3) years

This Agreement supersedes any previous agreements, proposals, presentations, understandings, and arrangements between the parties relating to the licensing of the Products. Except as provided in Article 4—Product Updates, no modifications can be made to this Agreement.

Accepted and Agreed:

(Customer)

By: _____
Authorized Signature

Printed Name: _____

Title: _____

Date: _____

CUSTOMER CONTACT INFORMATION

Contact: _____

Telephone: _____

Address: _____

Fax: _____

City, State, Postal Code: _____

E-mail: _____

Country: _____

Quotation Number (if applicable): _____

1.0—ADDITIONAL DEFINITIONS

In addition to the definitions provided in the Master Agreement, the following definitions apply to this Agreement:

"Case" means a failure of the Software or Online Services to operate according to the Documentation where such failure substantially impacts operational or functional performance.

"Deploy", "Deployed" and "Deployment" mean to redistribute and install the Products and related Authorization Codes within Customer's organization(s).

"Fee" means the fee set forth in the Quotation.

"Maintenance" means Tier 2 Support, Product updates, and Product patches provided to Customer during the Term of Agreement.

"Master Agreement" means the applicable master agreement for Esri Products incorporated by this reference that is (i) found at <https://www.esri.com/en-us/legal/terms/full-master-agreement> and available in the installation process requiring acceptance by electronic acknowledgment or (ii) a signed Esri master agreement or license agreement that supersedes such electronically acknowledged master agreement.

"Product(s)" means the products identified in Table A—List of Products and any updates to the list Esri provides in writing.

"Quotation" means the offer letter and quotation provided separately to Customer.

"Technical Support" means the technical assistance for attempting resolution of a reported Case through error correction, patches, hot fixes, workarounds, replacement deliveries, or any other type of Product corrections or modifications.

"Tier 1 Help Desk" means Customer's point of contact(s) to provide all Tier 1 Support within Customer's organization(s).

"Tier 1 Support" means the Technical Support provided by the Tier 1 Help Desk.

"Tier 2 Support" means the Esri Technical Support provided to the Tier 1 Help Desk when a Case cannot be resolved through Tier 1 Support.

2.0—ADDITIONAL GRANT OF LICENSE

2.1 Grant of License. Subject to the terms and conditions of this Agreement, Esri grants to Customer a personal, nonexclusive, nontransferable license solely to use, copy, and Deploy quantities of the Products listed in Table A—List of Products for the Term of Agreement (i) for the applicable Fee and (ii) in accordance with the Master Agreement.

2.2 Consultant Access. Esri grants Customer the right to permit Customer's consultants or contractors to use the Products exclusively for Customer's benefit. Customer will be solely responsible for compliance by consultants and contractors with this Agreement and will ensure that the consultant or contractor discontinues use of Products upon completion of work for Customer. Access to or use of Products by consultants or contractors not exclusively for Customer's benefit is prohibited. Customer may not permit its consultants or contractors to install Software or Data on consultant, contractor, or third-party computers or remove Software or Data from Customer locations, except for the purpose of hosting the Software or Data on Contractor servers for the benefit of Customer.

3.0—TERM, TERMINATION, AND EXPIRATION

3.1 Term. This Agreement and all licenses hereunder will commence on the Effective Date and continue for the duration identified in the Term of Agreement, unless this Agreement is terminated earlier as provided herein. Customer is only authorized to use Products during the Term of Agreement. For an Agreement with a limited term, Esri does not grant Customer an indefinite or a perpetual license to Products.

3.2 No Use upon Agreement Expiration or Termination. All Product licenses, all Maintenance, and Esri User Conference registrations terminate upon expiration or termination of this Agreement.

3.3 Termination for a Material Breach. Either party may terminate this Agreement for a material breach by the other party. The breaching party will have thirty (30) days from the date of written notice to cure any material breach.

3.4 Termination for Lack of Funds. For an Agreement with government or government-

owned entities, either party may terminate this Agreement before any subsequent year if Customer is unable to secure funding through the legislative or governing body's approval process.

3.5 Follow-on Term. If the parties enter into another agreement substantially similar to this Agreement for an additional term, the effective date of the follow-on agreement will be the day after the expiration date of this Agreement.

4.0—PRODUCT UPDATES

4.1 Future Updates. Esri reserves the right to update the list of Products in Table A—List of Products by providing written notice to Customer. Customer may continue to use all Products that have been Deployed, but support and upgrades for deleted items may not be available. As new Products are incorporated into the standard program, they will be offered to Customer via written notice for incorporation into the Products schedule at no additional charge. Customer's use of new or updated Products requires Customer to adhere to applicable additional or revised terms and conditions in the Master Agreement.

4.2 Product Life Cycle. During the Term of Agreement, some Products may be retired or may no longer be available to Deploy in the identified quantities. Maintenance will be subject to the individual Product Life Cycle Support Status and Product Life Cycle Support Policy, which can be found at <https://support.esri.com/en/other-resources/product-life-cycle>. Updates for Products in the mature and retired phases may not be available. Customer may continue to use Products already Deployed, but Customer will not be able to Deploy retired Products.

5.0—MAINTENANCE

The Fee includes standard maintenance benefits during the Term of Agreement as specified in the most current applicable Esri Maintenance and Support Program document (found at <https://www.esri.com/en-us/legal/terms/maintenance>). At Esri's sole discretion, Esri may make patches, hot fixes, or updates available for download. No Software other

than the defined Products will receive Maintenance. Customer may acquire maintenance for other Software outside this Agreement.

a. Tier 1 Support

1. Customer will provide Tier 1 Support through the Tier 1 Help Desk to all Customer's authorized users.
2. The Tier 1 Help Desk will be fully trained in the Products.
3. At a minimum, Tier 1 Support will include those activities that assist the user in resolving how-to and operational questions as well as questions on installation and troubleshooting procedures.
4. The Tier 1 Help Desk will be the initial point of contact for all questions and reporting of a Case. The Tier 1 Help Desk will obtain a full description of each reported Case and the system configuration from the user. This may include obtaining any customizations, code samples, or data involved in the Case.
5. If the Tier 1 Help Desk cannot resolve the Case, an authorized Tier 1 Help Desk individual may contact Tier 2 Support. The Tier 1 Help Desk will provide support in such a way as to minimize repeat calls and make solutions to problems available to Customer's organization.
6. Tier 1 Help Desk individuals are the only individuals authorized to contact Tier 2 Support. Customer may change the Tier 1 Help Desk individuals by written notice to Esri.

b. Tier 2 Support

1. Tier 2 Support will log the calls received from Tier 1 Help Desk.
2. Tier 2 Support will review all information collected by and received from the Tier 1 Help Desk including preliminary documented troubleshooting provided by the Tier 1 Help Desk when Tier 2 Support is required.
3. Tier 2 Support may request that Tier 1 Help Desk individuals provide verification of information, additional information, or answers to additional questions to

supplement any preliminary information gathering or troubleshooting performed by Tier 1 Help Desk.

4. Tier 2 Support will attempt to resolve the Case submitted by Tier 1 Help Desk.
5. When the Case is resolved, Tier 2 Support will communicate the information to Tier 1 Help Desk, and Tier 1 Help Desk will disseminate the resolution to the user(s).

6.0—ENDORSEMENT AND PUBLICITY

This Agreement will not be construed or interpreted as an exclusive dealings agreement or Customer's endorsement of Products. Either party may publicize the existence of this Agreement.

7.0—ADMINISTRATIVE REQUIREMENTS

7.1 OEM Licenses. Under Esri's OEM or Solution OEM programs, OEM partners are authorized to embed or bundle portions of Esri products and services with their application or service. OEM partners' business model, licensing terms and conditions, and pricing are independent of this Agreement. Customer will not seek any discount from the OEM partner or Esri based on the availability of Products under this Agreement. Customer will not decouple Esri products or services from the OEM partners' application or service.

7.2 Annual Report of Deployments. At each anniversary date and ninety (90) calendar days prior to the expiration of this Agreement, Customer will provide Esri with a written report detailing all Deployments. Upon request, Customer will provide records sufficient to verify the accuracy of the annual report.

8.0—ORDERING, ADMINISTRATIVE PROCEDURES, DELIVERY, AND DEPLOYMENT

8.1 Orders, Delivery, and Deployment

- a. Upon the Effective Date, Esri will invoice Customer and provide Authorization Codes to activate the nondestructive copy protection program that enables Customer to download,

operate, or allow access to the Products. If this is a multi-year Agreement, Esri may invoice the Fee up to thirty (30) calendar days before the annual anniversary date for each year.

- b. Undisputed invoices will be due and payable within thirty (30) calendar days from the date of invoice. Esri reserves the right to suspend Customer's access to and use of Products if Customer fails to pay any undisputed amount owed on or before its due date. Esri may charge Customer interest at a monthly rate equal to the lesser of one percent (1.0%) per month or the maximum rate permitted by applicable law on any overdue fees plus all expenses of collection for any overdue balance that remains unpaid ten (10) days after Esri has notified Customer of the past-due balance.
- c. Esri's federal ID number is 95-2775-732.
- d. If requested, Esri will ship backup media to the ship-to address identified on the Ordering Document, FOB Destination, with shipping charges prepaid. Customer acknowledges that should sales or use taxes become due as a result of any shipments of tangible media, Esri has a right to invoice and Customer will pay any such sales or use tax associated with the receipt of tangible media.

8.2 Order Requirements. Esri does not require Customer to issue a purchase order. Customer may submit a purchase order in accordance with its own process requirements, provided that if Customer issues a purchase order, Customer will submit its initial purchase order on the Effective Date. If this is a multi-year Agreement, Customer will submit subsequent purchase orders to Esri at least thirty (30) calendar days before the annual anniversary date for each year.

- a. All orders pertaining to this Agreement will be processed through Customer's centralized point of contact.
- b. The following information will be included in each Ordering Document:
 - (1) Customer name; Esri customer number, if known; and bill-to and ship-to addresses
 - (2) Order number
 - (3) Applicable annual payment due

9.0—MERGERS, ACQUISITIONS, OR DIVESTITURES

If Customer is a commercial entity, Customer will notify Esri in writing in the event of (i) a consolidation, merger, or reorganization of Customer with or into another corporation or entity; (ii) Customer's acquisition of another entity; or (iii) a transfer or sale of all or part of Customer's organization (subsections i, ii, and iii, collectively referred to as "**Ownership Change**"). There will be no decrease in Fee as a result of any Ownership Change.

- 9.1** If an Ownership Change increases the cumulative program count beyond the maximum level for this Agreement, Esri reserves the right to increase the Fee or terminate this Agreement and the parties will negotiate a new agreement.
- 9.2** If an Ownership Change results in transfer or sale of a portion of Customer's organization, that portion of Customer's organization will transfer the Products to Customer or uninstall, remove, and destroy all copies of the Products.
- 9.3** This Agreement may not be assigned to a successor entity as a result of an Ownership Change unless approved by Esri in writing in advance. If the assignment to the new entity is not approved, Customer will require any successor entity to uninstall, remove, and destroy the Products. This Agreement will terminate upon such Ownership Change.






Enterprise Agreement

Final Audit Report

2023-08-01

| | |
|-----------------|----------------------------------------------|
| Created: | 2023-08-01 |
| By: | Thomas Amrine (tamrine@esri.com) |
| Status: | Signed |
| Transaction ID: | CBJCHBCAABAAy5QKg4E6faRrGzVAbN7Nu-qluy_FHTwP |

"Enterprise Agreement" History

-  Document created by Thomas Amrine (tamrine@esri.com)
2023-08-01 - 2:07:07 PM GMT
-  Document emailed to Timothy Brazeal (Tbrazeal@esri.com) for signature
2023-08-01 - 2:08:15 PM GMT
-  Email viewed by Timothy Brazeal (Tbrazeal@esri.com)
2023-08-01 - 3:48:54 PM GMT
-  Document e-signed by Timothy Brazeal (Tbrazeal@esri.com)
Signature Date: 2023-08-01 - 3:49:32 PM GMT - Time Source: server
-  Agreement completed.
2023-08-01 - 3:49:32 PM GMT



Quotation # Q-499780

Item 17.

Date: June 22, 2023

Customer # 19285 Contract #

City of Norman
Enterprise GIS
225 N Webster Avenue
Norman, OK 73069-7108

ATTENTION: Joyce Green
PHONE: (405) 366-5467
EMAIL: joyce.green@normanok.gov

Environmental Systems Research Institute, Inc.
380 New York St
Redlands, CA 92373-8100
Phone: (909) 793-2853
DUNS Number: 06-313-4175 CAGE Code: OAMS3

To expedite your order, please attach a copy of this quotation to your purchase order.
Quote is valid from: 6/22/2023 To: 9/20/2023

| Material | Qty | Term | Unit Price | Total |
|---------------------------------------------------------------------------------------------|-----|--------|-------------|-------------|
| 168180 | 1 | Year 1 | \$82,500.00 | \$82,500.00 |
| Populations of 100,001 to 125,000 Small Government Enterprise Agreement Annual Subscription | | | | |
| 168180 | 1 | Year 2 | \$82,500.00 | \$82,500.00 |
| Populations of 100,001 to 125,000 Small Government Enterprise Agreement Annual Subscription | | | | |
| 168180 | 1 | Year 3 | \$82,500.00 | \$82,500.00 |
| Populations of 100,001 to 125,000 Small Government Enterprise Agreement Annual Subscription | | | | |

| | |
|---------------------------------------------------|---------------------|
| Subtotal: | \$247,500.00 |
| Sales Tax: | \$0.00 |
| Estimated Shipping and Handling (2 Day Delivery): | \$0.00 |
| Contract Price Adjust: | \$0.00 |
| Total: | \$247,500.00 |

Esri may charge a fee to cover expenses related to any customer requirement to use a proprietary vendor management, procurement, or invoice program.

| | | |
|----------------------------------------------|-----------------------------------|---------------------------------------|
| For questions contact: Greg Hakman | Email: ghakman@esri.com | Phone: (909) 369-2441 x2441 |
|----------------------------------------------|-----------------------------------|---------------------------------------|

The items on this quotation are subject to and governed by the terms of this quotation, the most current product specific scope of use document found at <https://assets.esri.com/content/dam/esrisites/media/legal/product-specific-terms-of-use/e300.pdf>, and your applicable signed agreement with Esri. If no such agreement covers any item quoted, then Esri's standard terms and conditions found at <https://go.esri.com/MAPS> apply to your purchase of that item. If any item is quoted with a multi-year payment schedule, then unless otherwise stated in this quotation, Customer is required to make all payments without right of cancellation. Third-party data sets included in a quotation as separately licensed items will only be provided and invoiced if Esri is able to provide such data and will be subject to the applicable third-party's terms and conditions. If Esri is unable to provide any such data set, Customer will not be responsible for any further payments for the data set. US Federal government entities and US government prime contractors authorized under FAR 51.1 may purchase under the terms of Esri's GSA Federal Supply Schedule. Supplemental terms and conditions found at <https://www.esri.com/en-us/legal/terms/state-supplemental> apply to some US state and local government purchases. All terms of this quotation will be incorporated into and become part of any additional agreement regarding Esri's offerings. Acceptance of this quotation is limited to the terms of this quotation. Esri objects to and expressly rejects any different or additional terms contained in any purchase order, offer, or confirmation sent to or to be sent by buyer. Unless prohibited by law, the quotation information is confidential and may not be copied or released other than for the express purpose of system selection and purchase/license. The information may not be given to outside parties or used for any other purpose without consent from Esri. Delivery is FOB Origin for customers located in the USA.

File Attachments for Item:

18. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF: A GRANT THROUGH THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS (ACOG) OF FEDERAL TRANSIT ADMINISTRATION 5303 FUNDING IN THE AMOUNT OF \$50,000 TO BE USED FOR ELIGIBLE TRANSIT PLANNING ACTIVITIES WITHIN THE CENTRAL OKLAHOMA TRANSPORTATION MANAGEMENT AREA (TMA) AS IDENTIFIED IN THE FY2024 UNIFIED PLANNING WORK PROGRAM (UPWP); APPROVAL OF CONTRACT K-2324-53.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 08/08/2023

REQUESTER: Taylor Johnson, Transit and Parking Program Manager

PRESENTER: Shawn O'Leary, Director of Public Works

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF: A GRANT THROUGH THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS (ACOG) OF FEDERAL TRANSIT ADMINISTRATION 5303 FUNDING IN THE AMOUNT OF \$50,000 TO BE USED FOR ELIGIBLE TRANSIT PLANNING ACTIVITIES WITHIN THE CENTRAL OKLAHOMA TRANSPORTATION MANAGEMENT AREA (TMA) AS IDENTIFIED IN THE FY2024 UNIFIED PLANNING WORK PROGRAM (UPWP); APPROVAL OF CONTRACT K-2324-53.

BACKGROUND:

The City of Norman took over the operations of the City public transportation system on June 1, 2019, from the University of Oklahoma. On June 27, 2019, the City of Norman was recognized by the Federal Transit Administration (FTA) as an eligible recipient of federal transit funds for the Norman Urbanized Area. As a part of this transition of operations, the City of Norman also replaced the University's CART program for regional transportation planning activities.

The Association of Central Oklahoma Governments (ACOG) serves as the Metropolitan Planning Organization (MPO) for the Central Oklahoma Transportation Management Area (TMA), providing a multi-government, multi-agency body for carrying out a continuing, coordinated, comprehensive program of multimodal transportation system planning. The Unified Planning Work Program (UPWP) is a description of the proposed multimodal transportation planning activities to be conducted in the ACOG MPO area during FY 2023 (July 1, 2022, to June 30, 2023). This program is administered by ACOG, in accordance with a Memorandum of Understanding between ACOG, the Oklahoma Department of Transportation (ODOT), the Central Oklahoma Transportation and Parking Authority (COTPA), and the City of Norman (Norman-Transit).

The UPWP is prepared annually and serves as a basis for requesting federal planning funds from the U.S. Department of Transportation, as well as a management tool for scheduling, budgeting, and monitoring the planning activities of the participating entities. The City of Norman cooperatively works with ACOG, ODOT, and COTPA on the planning efforts outlined in the annual Unified Planning Work Program (UPWP), which includes development and

implementation of the ACOG MPO Metropolitan Transportation Plan (MTP) and Transportation Improvement Program (TIP).

FTA 5303 funds are apportioned to states for metropolitan planning by formula, based on proportion of population and then sub-allocated to MPOs. These funds are available for eligible planning activities such as increasing safety and security, supporting economic vitality, and enhancing the integration and connectivity of the transportation system among other eligible activities.

DISCUSSION:

The fiscal year 2023-2024 (FY 2024) ACOG MPO UPWP budgets a total of \$62,500 (of which \$50,000 /80% is federal and \$12,500/20% is local match) in FTA 5303 funding to the City of Norman for Short Range Planning. As outlined in the UPWP, short range planning can include:

- Providing data on route and service changes for the annual Network Monitoring Report;
- Studying alternative modes and alignments and evaluating the same for social, economic, and environmental impacts;
- Evaluating, implementing, and monitoring performance of bus route services and changes and reviewing the impact of any changes;
- Planning for fleet replacement and expansion as necessary for service;
- Developing and maintaining both print and digital route formats of both individual routes and system maps;
- Pursuing marketing strategies to retain and expand ridership such as developing real-time rider tools, advertising implementation of planned service changes, and promoting transit service to the community; and
- Facilitating bus route accessibility by identifying issues, improving accessibility at bus stops, and monitoring deployment of e-scooter technologies to ensure safety for all users of the public right of way.

The FTA 5303 funds will be used to reimburse staff time to accomplish these planning activities. Those expenses are already budgeted in FYE 2024 in the Transit and Parking Fund in the salaries and benefits accounts. Subsequently, the local match will be derived from these same accounts.

RECOMMENDATION:

1. Staff recommends accepting the FTA 5303 Grant Funding in the amount of \$50,000 for eligible transit planning activities within the Central Oklahoma Transportation Management Area (TMA) as identified in the FY2023 Unified Planning Work Program (UPWP).
2. Staff recommends approval of Contract K-2324-53.
3. Staff recommends recording receipt of the grant of \$50,000 into the Public Transit Fund, Other Revenue-Federal Grants (Account 275-333252).

CONTRACT
BY AND BETWEEN THE
ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS
AND
THE CITY OF NORMAN

The parties of this Contract are the Association of Central Oklahoma Governments (ACOG) and the City of Norman (NORMAN). The parties may be referred to individually as PARTY or collectively as PARTIES. The parties agree to the following terms and conditions.

The term of this CONTRACT is for Fiscal Year 2024, effective July 1, 2023, and ending on June 30, 2024. This CONTRACT reaffirms the Metropolitan Transportation Planning process in the Central Oklahoma Transportation Management Area (TMA). Frequent reference will be made in this CONTRACT to the Oklahoma Department of Transportation (ODOT) and the Federal Transit Administration (FTA).

ACOG shall award a grant to NORMAN in an amount not to exceed \$50,000. NORMAN shall provide local matching funds of \$12,500.

A. SCOPE OF SERVICES

A.1. Unified Planning Work Program

This CONTRACT provides NORMAN the FTA 5303 funding for transit planning activities within the TMA as identified in the FY 2024 Unified Planning Work Program (UPWP).

A.1.a. The activities to be conducted and financed during the CONTRACT period are prescribed in the FY 2024 UPWP. The UPWP details the tasks, work responsibilities, costs, and funding sources of each activity to be undertaken within the TMA. Approval of the UPWP by the PARTIES, the ACOG MPO PC, and FTA will constitute acceptance of the UPWP as a part of this CONTRACT, subject to the financing provisions of Section B herein.

A.1.b. The grant funds shall be used for the purpose of grant management, multimodal planning, long-range plan implementation, transit software, related transit consultant work, and other activities as listed in the FY 2024 UPWP.

A.2. Funding

The intention of ACOG in awarding these FTA 5303 funds is to maintain the comprehensive, continuing, and cooperative transportation planning process in order to provide the most desirable multimodal transportation system that is compatible with community goals and at minimum expense.

A.2.a. The State of Oklahoma considers ACOG a subrecipient of the federal funds it receives as reimbursement under this CONTRACT.

A.2.b. CFDA Number: 20.205 (Metropolitan Transportation Planning and State and Non-Metropolitan Planning and Research).

A.3. Progress Reports

NORMAN shall provide ACOG progress reports regarding the planning work status of the FTA 5303 funds. Progress reports on the use of the 5303 funds shall be submitted quarterly and may be combined with NORMAN's regular quarterly UPWP progress reports. The final progress report shall be submitted on or before July 15, 2024.

A.4. Inspection of Work

ACOG shall be accorded proper facilities for review and inspection of the work hereunder and shall at all reasonable times have access to the premises, to all reports, presentations, books, records, correspondence, instructions, receipts, vouchers, memoranda, and any other materials of every description which ACOG considers pertinent to the work hereunder. The PARTIES will fully inform each other in the event of any review and inspection of work specified hereunder by other than PARTIES. ACOG shall maintain the responsibility of review and concurrence in all techniques and methodology utilized.

A.5. Records

NORMAN shall maintain accounting records and other evidence pertaining to the costs incurred under this CONTRACT. This data will be made available for inspection by ACOG, at all reasonable times at the respective offices during the contract period and for three years after the date of the final payment of Federal funds to ACOG with respect to the study. Copies of such records shall be furnished at cost to ACOG.

The books, records, and documents of NORMAN, insofar as they relate to money received under this CONTRACT, shall be maintained for a period of three (3) full years from the date of the final payment and shall be subject to audit at any reasonable time and upon reasonable notice by ACOG, ODOT and/or FTA, the Oklahoma State Auditor and Inspector, or their duly appointed representatives.

A.6. Ownership of Data

The ownership of the data collected under this CONTRACT, together with reports, brochures, summaries, and all other materials of every description derived therefrom, shall be vested in both PARTIES, subject to the applicable Federal and State laws and regulations.

A.7. Information and Reports

Unless otherwise required by law, all information, reports, proposals, brochures, summaries, written conclusions, graphic presentations, and similar materials developed by NORMAN and/or its consultants and financed in whole or in part by ACOG, shall be submitted to ACOG for review upon its public release, presentation, dissemination, publication, or other distribution. The distribution of such information and reports, whether draft or final and including the UPWP, to any unit of the FTA shall be made through ACOG only.

A.8. Publication Provisions

NORMAN shall be free to copyright material developed under this CONTRACT with the provision that ACOG and FTA reserve a royalty-free, nonexclusive, and irrevocable License to reproduce, publish or otherwise use, and to authorize others to use, the work for Government purposes. All reports published pursuant to this CONTRACT shall contain a credit reference to the FTA; such as "prepared in cooperation with the U.S. Department of Transportation, Federal Transit Administration."

B. GRANT CONTRACT TERMSB.1. Funding Amount

The financing set forth in this CONTRACT shall not exceed \$62,500 of which \$50,000 are FTA funds and shall be on the basis of direct and indirect actual auditable cost as stated in 23 CFR Chapter 1, §420.113 and the

provisions of the "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 Code of Federal Regulations (CFR) 200 Subpart E.

B.2. Funding Period

The provisions of this CONTRACT shall become effective on the first day of July 2023, or on the day this Federal-aid project is authorized by FTA, whichever comes later. This CONTRACT shall be effective until all FTA funds provided under B.1. have been expended or June 30, 2024, whichever comes first.

B.3. Matching Funds

The funds provided by ACOG pursuant to this CONTRACT is eighty percent (80%) of total actual auditable costs. The remaining twenty percent (20%) of the funds are to be provided by NORMAN.

B.4. Funding Availability

ACOG presently has funds available, allocated through the FTA and administered by ODOT, which may be used to facilitate Metropolitan Transportation Planning. Contingent upon the continued availability of such funds, ACOG shall participate in the planning effort to be conducted within the TMA boundary as detailed in the UPWP.

C. PAYMENT TERMS AND CONDITIONS

C.1. Limitation of Liability

The maximum liability of ACOG pursuant to this CONTRACT shall not exceed \$50,000.

C.2. Payment Methodology

NORMAN shall only be reimbursed for tasks as detailed Section A.1.b. and the FY 2024 UPWP. NORMAN shall submit invoices accompanied by bills of sale and documentation as further described in Sections C.3. Payments for services described in the UPWP and this CONTRACT for cooperative funding shall be disbursed by ACOG on the basis of monthly billings from NORMAN showing the total actual costs incurred in conformance with the UPWP.

C.3. Invoice Requirements

NORMAN shall invoice ACOG digitally with supporting documentation as required by ACOG. The documentation shall be submitted to:

ACOG
Attn: Hannah Nolen, Transportation Planning Services
4205 N. Lincoln Blvd.
Oklahoma City, OK 73105
Telephone: 405-234-2264
Email: hnolen@acogok.org

C.3.a. Each invoice shall be similar to the example provided by ACOG and shall clearly and accurately detail the following required information:

1. Invoice date and billing period
2. Contract number (FTA-PL-2024-02, assigned by ACOG to this CONTRACT)
3. NORMAN Federal Employer Identification Number
4. NORMAN remittance address
5. NORMAN contact (name, phone, and/or email address for the individual to contact with invoice questions)

6. Complete itemization of reimbursement requested, which shall include documentation of paid expenses and shall include each of the following:
 - a. Itemized bill of sale showing dates of sale/service
 - b. Itemized invoices for any costs for which reimbursement is requested
 - c. Total reimbursement amount requested

C.3.b. Each invoice shall be accompanied by a brief, narrative report describing the tasks that were completed during the billing period.

C.4. Invoice Timing and Limitations

An invoice from NORMAN to ACOG pursuant to this CONTRACT shall include only reimbursement requests for actual expenditures as described in Section A.1.b. and C.2. of this CONTRACT subject to the liability limits as described in Section C.1.

C.4.a. All invoices for reimbursement must be received by ACOG no later than July 15, 2024.

C.4.b. NORMAN's failure to provide all invoices to ACOG as required shall result in NORMAN being deemed ineligible for reimbursement of those invoices under this CONTRACT, and any and all financial and legal liabilities related to this CONTRACT shall be upon NORMAN and not the responsibility or liability of ACOG.

C.5. Payment of Invoice

ACOG shall, within 90 days of receipt of invoices for allowable costs relating to the tasks outlined in Section A.1.b., review and process invoices as well as requests reimbursement from ODOT for NORMAN's expenditures. Once ODOT has provided reimbursement for NORMAN's expenditures, ACOG shall issue payment to NORMAN.

C.6. Unallowable Costs

Travel expenses are not eligible for reimbursement pursuant to this CONTRACT. NORMAN's invoice(s) shall be subject to reduction for amounts for travel expenses included in any invoice from NORMAN. Any such reductions shall be at the sole discretion of ACOG.

C.7. Disputes Related to Finances

In the event of disagreement between the PARTIES relative to the eligibility of NORMAN's financial participation in any work item or items contained in the UPWP, the details of such disagreement shall be forwarded to both the Executive Director of ACOG and the Administrator of NORMAN who jointly shall attempt to resolve the issue.

C.8. Audit

As part of this CONTRACT, NORMAN agrees to provide ACOG with a Single Audit performed in accordance with the "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR 200 Subpart F to ensure compliance with federal and state laws, regulations, and provisions of the CONTRACT. The Single Audit will be performed by an independent auditor in accordance with generally accepted government auditing standards covering financial audits. If federal or state exceptions are found, the PARTIES will resolve the outstanding issues as provided under Section C.7.

D. TERMS AND CONDITIONS

D.1. Required Approvals

Neither PARTY is bound by this CONTRACT until it is approved by the appropriate government entity legal signatory in accordance with applicable laws and regulations.

D.2. Completeness

This CONTRACT, together with the following attachments, represents the entire and integrated agreement between the PARTIES relating to the subject matter contained herein, and supersedes any and all prior understandings, representations, negotiations, and discussions between the PARTIES relating hereto, whether written or oral.

D.3. Modification or Amendment

This CONTRACT shall not be modified, amended, altered, or supplemented except by an instrument in writing signed on behalf of the PARTIES hereto and executed with the same formalities observed in the execution of this CONTRACT.

D.4. Communications and Contacts

All demands, requests, or other communications which may be or are required to be given, served, or sent by either PARTY to the other pursuant to the CONTRACT shall be in writing and shall be deemed to have been properly given or sent:

If intended for ACOG, by electronic transmission to hnolen@acogok.org, or by mail, addressed to ACOG at:

Association of Central Oklahoma Governments
Attn: Hannah Nolen, Transportation Planning Services
4205 N. Lincoln Blvd.
Oklahoma City, OK 73105

If intended for NORMAN, by electronic transmission to taylor.johnson@normanok.gov or by mail addressed to NORMAN at:

City of Norman
Attn: Taylor Johnson – Transit and Parking Program Manager
1310 Da Vinci Street
Norman, OK 73069

D.5. Termination

This CONTRACT was entered into by the PARTIES because of their mutual accord that the comprehensive, continuing, and cooperative transportation planning process provided herein was necessary. Either PARTY may terminate its interest and its obligation under this CONTRACT by giving thirty (30) days notice in writing to the other PARTY, it being understood that such termination may be adverse to the interests of the other PARTY. In the event of such termination, NORMAN shall deliver at cost to ACOG all items mentioned in Sections A.3., A.4., and A.7. of this CONTRACT within thirty (30) calendar days following the effective termination date.

D.6. Use of Consultants

Under the terms of pursuant to this CONTRACT, NORMAN may engage qualified consultants to perform certain duties on its behalf. All contracts with other parties for services within the scope of this CONTRACT shall be justified, in writing, by NORMAN and retained with project records as outlined in Section A.5.

D.7. Compliance

NORMAN and ACOG agree to adhere to the terms and conditions of this CONTRACT, to include all attachments hereto.

D.8. Covenants Against Contingent Fees

NORMAN warrants that it has not employed or retained any company or person specifically to solicit or secure this CONTRACT, and that it has not paid or agreed to pay any fee, commission, percentage, brokerage fee, gifts, or any other consideration, contingent upon or resulting from the award or making of this CONTRACT. For breach or violation of this warranty ACOG shall have the right to annul this CONTRACT without liability, or at its discretion, to deduct from the CONTRACT price or consideration, or otherwise recover, the full amount of such fee, commission, percentage brokerage fee, gift, or contingent fee.

D.9. Governing Laws and Regulations

NORMAN and its subcontractors shall comply with all Federal, State, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any court or administrative bodies or tribunals in any nature affecting the performance of this CONTRACT including worker compensation laws, minimum and maximum salary and wage statutes and regulations. When required, NORMAN shall furnish ACOG with satisfactory proof of its compliance therewith.

This CONTRACT shall be governed and construed in accordance with the laws of the State of Oklahoma.

D.10. Binding Effect

This CONTRACT shall be binding upon and inure to the benefit of the PARTIES and shall be binding upon their successors, to the extent allowed by law.

D.11. Force Majeure

The obligations of the PARTIES to this CONTRACT are subject to prevention by causes beyond the PARTIES' control including, but not limited to, acts of God, riots, wars, epidemics, or any other similar cause.

D.12. Liability

NORMAN, ACOG, and FTA mutually recognize that each PARTY is a governmental entity subject to the provisions of their respective Governmental Tort Claims Act (51 O.S. § 151 et seq.). The PARTIES hereby mutually agree that each is and may be held severally liable for any and all claims, demands, and suits in law or equity, of any nature whatsoever, paying for damages or otherwise, arising from any negligent act or omission of any of their respective employees, agents or officers which may occur during the prosecution or performance of this Agreement to the extent provided in the Governmental Tort Claims Act, without waiving any of the PARTY's defenses, exemption or sovereignty. Each PARTY agrees to severally bear all costs of investigation and defense of claims arising under the Governmental Tort Claims Act and any judgments which may be rendered in such cause to the limits provided by law. Nothing in this section shall be interpreted or construed to waive any legal defense which may be available to a PARTY or any exemption, limitation or exception which may be provided by the Governmental Tort Claims Act.

D.13. Severability

If any provision, clause or paragraph of this contract or any document incorporated by reference shall be determined invalid by a court of competent jurisdiction, such determination shall not affect the other provisions, clauses, or paragraphs of this contract which is not affected by the determination. The provisions, clauses, or paragraphs and any documents incorporated by reference are declared severable and the invalidation of any such provision, clause, paragraph, or document incorporated by reference shall not affect the remaining provisions, clauses, paragraphs, and documents incorporated by reference which shall continue to be binding and of full legal efficacy.

Grant #: FTA-PL-2024-02

K-2324-53

IN WITNESS WHEREOF, the parties have executed this Agreement as of the last date written below.

ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS

By: _____
Mark W. Sweeney, AICP, Executive Director

Date: _____

REVIEWED for form and legality.

By: _____
Pete White, ACOG General Counsel

Date: _____

THE CITY OF NORMAN

By: _____
Mayor

Date: _____

ATTEST:

By: _____
City Clerk

APPROVED as to form and legality this 4 day of August, 2023.

By: 
City Attorney

EXHIBIT A

Federal-Aid Eligibility Certification

The undersigned hereby certifies to the best of their knowledge and belief:

1. That they are the fully authorized agent of the Prospective Participant in this project which involves, federal funding and has full knowledge and authority to make this certification

2. That, neither the Prospective Participant nor any person associated therewith in the capacity of director, officer, manager, auditor, or accountant, nor any person in a position involving the administration of federal funds:
 - a. Is currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency; and

 - b. Has been suspended, debarred, voluntarily excluded, or determined ineligible by any federal agency within the past three (3) years; and

 - c. Has a proposed debarment pending; and

 - d. Has been indicted, convicted, or had a civil judgement rendered against any of the aforementioned by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past three years, except:

If none, so state by entering the word "none": _____

City of Norman

Date

EXHIBIT B
(page 1 of 2)

Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion –Lower Tier Covered Transactions

This certification applies to subcontractors, material suppliers, vendors, and other lower tier participants.

- Appendix B of 49 CFR Part 29 -

Appendix B --

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospect lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

EXHIBIT B
(page 2 of 2)

Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion –Lower Tier Covered Transactions

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -Lower Tier Covered Transactions

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

EXHIBIT C
(page 1 of 2)

Nondiscrimination of Employees

During the performance of this contract, NORMAN, for itself, its assignees, and successors in interest hereby covenants and agrees as follows:

1. NORMAN and its subcontractors shall provide equal employment opportunities for all qualified persons within the limitations hereinafter set forth, and shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, or handicap.
2. That any subcontract entered into by NORMAN for performance of any portion of the work covered under this Contract shall incorporate all of the provisions of this Special Provision, "Nondiscrimination of Employees," and the same shall be appended to said subcontract and incorporated therein by reference.
3. NORMAN shall refrain from "discriminatory practices," as hereinafter defined. It is a discriminatory practice for NORMAN to:
 - a. Fail or refuse to hire, to discharge or otherwise to discriminate against an individual with respect to compensation or the terms, conditions, privileges or responsibilities or employment, because of race, color, religion, sex, national origin, age, or handicap
 - b. Limit, segregate, or classify an employee in a way which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect the status of an employee, because of race, color, religion, sex, national origin, age, or handicap
 - c. Discriminate against an individual because of race, color, religion, sex, national origin, age or handicap, in admission to, or employment in, any program established to provide apprenticeship, on-the-job training or retraining
 - d. Publish or cause to be printed or published any notice or advertisement relating to employment by NORMAN indicating a preference, limitation, specification, or discrimination, based on race, color, religion, sex, national origin, age or handicap, except where such preference, limitation, specification or discrimination based on religion, sex or national origin is a bona fide occupational qualification for employment
 - e. Retaliate or discriminate against a person because said person has opposed a discriminatory practice, or because said person has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under Chapter 21, Title 25, Oklahoma Statutes, 1991.
 - f. Aid, abet, incite, or coerce a person to engage in a discriminatory practice
 - g. Willfully interfere with the performance of a duty or the exercise of a power by the Oklahoma Human Rights Commission or one of its members or representatives

EXHIBIT C
(page 2 of 2)

Nondiscrimination of Employees

- h. Willfully obstruct or prevent a person from complying with the provisions of Chapter 21, Title 25, Oklahoma Statutes, 1991
 - i. Attempt to commit, directly or indirectly, a discriminatory practice, as defined herein and as defined in Chapter 21, Title 25, Oklahoma Statutes, 1991
- 4. NORMAN further agrees to refrain from discrimination by reason of race, color, religion, sex, national origin, age, or handicap, against any persons, firm or corporation furnishing independent contract labor or materials to NORMAN in the performance of this Contract.
- 5. Sanctions for Noncompliance - In the event NORMAN violates or refuses to abide by any of the provisions herein set forth, ACOG reserves the right and option to:
 - a. Withhold payments to NORMAN until NORMAN furnishes satisfactory evidence of compliance and correction of all violations
 - b. Cancel, terminate, or suspend the Contract, in whole or in part, without further liability to ACOG other than payment for work performed up to the effective date of cancellation or termination of the contract.
 - c. Report all violations, which are not corrected by NORMAN within such time as is specified by ACOG in its notice of violation, to the Oklahoma Human Rights Commission for such further proceedings as said Commission deems reasonable and necessary.
- 6. Immediately upon notification of Contract award, NORMAN shall submit to ACOG's Internal Equal Employment Officer a list by number, percentage, and position, including the identifying minority group employees who will be actively engaged in the Contract performance.
- 7. NORMAN hereby agrees to be bound by and subject itself to the provisions of Title 29, Code of Federal Regulations, Parts 1601-1605, inclusive, insofar as the same have been adopted by the Oklahoma Human Rights Commission for governing procedural matters concerning the administrative operations, functions, duties, and responsibilities of said Commission.
- 8. NORMAN further agrees to be bound by and be subject to any and all laws, statutes, or regulations of administrative agencies of the State of Oklahoma, pertaining to employment practices in contracts being funded either in whole or in part with funds of the State of Oklahoma, and to the requirements of any and all laws, statutes or regulations of administrative agencies of the State of Oklahoma, and to the requirements of any and all laws, statutes or regulations of administrative agencies of the State of Oklahoma pertaining to equal employment opportunity and nondiscrimination requirements in such contracts and public projects being so funded.

EXHIBIT D
(page 1 of 2)

Oklahoma Department of Transportation Disadvantaged Business/Women's Business Enterprises Policy Statement

It is the policy of the Oklahoma Department of Transportation to ensure that Disadvantaged Business/Women's Enterprises (DBE/WBE) as defined in 49 CFR Part 23 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with federal funds under this CONTRACT. Consequently, the DBE/WBE (formerly MBE) requirements of 49 CFR Part 23 apply to this CONTRACT.

The Oklahoma Department of Transportation or its Consultants which are recipients of Federal-aid funds agree to ensure that disadvantaged business/women's enterprises as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with federal funds provided under this CONTRACT. In this regard, the Oklahoma Department of Transportation, ACOG, NORMAN, and Consultants shall take all necessary and reasonable steps in accordance with 40 CFR Part 23 to ensure that disadvantaged business/women's business enterprises have the maximum opportunity to compete for and perform contracts. The Oklahoma Department of Transportation, ACOG, NORMAN, and Consultants shall not discriminate on the basis of race, color, national origin, religion, or sex in the award and performance of Oklahoma Department of Transportation assisted contracts.

Failure to carry out the requirements set forth above shall constitute a breach of contract and, after the notification of the Oklahoma Department of Transportation, may result in termination of the contract by the recipient or other such remedy as the recipient deems appropriate.

EXHIBIT D
(page 2 of 2)

Oklahoma Department of Transportation Contracting with Small and Minority Firms, Women's Business Enterprise, and Labor Surplus Area Firms

1. It is national policy to award a fair share of contracts to small and minority business firms. Accordingly, affirmative steps must be taken to assure that small and minority businesses are utilized when possible as sources of supplies, equipment, and services. Affirmative steps shall include the following:
 - a. Including qualified small and minority business on solicitation lists.
 - b. Assuring that small and minority businesses are solicited whenever they are potential sources.
 - c. When economically feasible, dividing total requirements into smaller tasks or quantities so as to permit maximum small and minority business participation.
 - d. Where the requirement permits, establishing delivery schedules which will encourage participation by small and minority business.
 - e. Using the services and assistance of the Small Business Administration, the Office of Minority Business Enterprise of the Department of Commerce and the Community Services Administration as required.
 - f. If any subcontracts are to be let, requiring the prime contractor to take the affirmative steps in (a) through (e) above.
2. Grantees shall take similar appropriate affirmative action in support of women's business enterprises.
3. Grantees are encouraged to procure goods and services from labor surplus areas.
4. Grantor agencies may impose additional regulations and requirements in the foregoing areas only to the extent specifically mandated by statute or presidential direction.

EXHIBIT E

Certification for Federal-Aid Contracts

The undersigned certifies, to the best of their knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit standard Form-LLL, "Disclosure Forms to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards in excess of \$100,000, at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

City of Norman

Date



The City of **NORMAN**

201 West Gray, Bldg. A
Norman, Oklahoma 73069

Item 18.

PUBLIC WORKS DEPARTMENT

Phone: (405) 366-5453

Fax: (405) 366-5418

May 31, 2023

Mark W. Sweeney, AICP
Executive Director
4205 N Lincoln Blvd
Oklahoma City, Ok 73105

Dear Mr. Sweeney,

The City of Norman requests to use 5303 funds (FFY 24 \$50,000) for the purpose of grant management, multimodal planning, long-range plan implementation, transit software, related transit consultant work, and other activities as listed in the Unified Planning Work Program.

Sincerely,

Taylor Johnson
Transit and Parking Program Manager

cc: Jason Huff, Transit Planner and Grants Specialist
Shawn O'Leary, P.E., CFM, Director of Public Works
Darrel Pyle, City Manager



ASSOCIATION OF
CENTRAL OKLAHOMA
GOVERNMENTS

ACOG MPO UNIFIED PLANNING WORK PROGRAM

FY 2024



Association of Central Oklahoma Governments
4205 N. Lincoln Boulevard
Oklahoma City, OK 73105
Telephone: (405) 234-ACOG (2264)
www.acogok.org

Reviewed by the ACOG MPO Technical Committee - June 15, 2023

Approved by the ACOG MPO Policy Committee

This report is the product of a project (study) financed in part by the Federal Transit Administration and the Federal Highway Administration of the U.S. Department of Transportation.

The contents of this report reflect the views of the Association of Central Oklahoma Governments Metropolitan Planning Organization (ACOG MPO). ACOG is responsible for the facts and the accuracy of the data presented herein. The contents do not necessarily reflect official views or policy of the U.S. Department of Transportation. This report does not constitute a standard, specification, or regulation.

Contents

- PART 1: INTRODUCTION.....1
- PART 2: ACOG MPO ORGANIZATION.....2
 - COMMITTEE STRUCTURE2
 - ACOG MPO Policy Committee.....2
 - ACOG MPO Technical Committee.....2
 - Stakeholder Advisory Group (SAG).....3
 - SPONSOR AGENCIES4
 - Association of Central Oklahoma Governments (ACOG)4
 - Oklahoma Department of Transportation (ODOT).....4
 - Local Transit Operators.....5
 - AFFILIATED AGENCIES/ENTITIES6
 - ACOG MPO TRANSPORTATION MANAGEMENT AREA.....6
- PART 3: FY 2024 UNIFIED PLANNING WORK PROGRAM PRIORITIES 9
- PART 4: ACCOMPLISHMENTS OF FY 2023..... 15
- PART 5: FY 2024 UNIFIED PLANNING WORK PROGRAM BUDGET 24
- PART 6: ELEMENT AND TASK DESCRIPTIONS.....30
 - ELEMENT #1: DATA DEVELOPMENT AND INFORMATION MANAGEMENT30
 - Task 1.01: Demographic/Socioeconomic Data Monitoring.....31
 - Task 1.02: Transportation Planning Data Management33
 - Task 1.03: Geographic Information System (GIS) Improvements and Census Geography.....35
 - Task 1.04: Transportation Planning Assistance - Oklahoma Department of Transportation (ODOT)36
 - ELEMENT #2: REGIONAL TRANSPORTATION PLANNING 37
 - Task 2.01: Long-Range Transportation Planning.....38
 - Task 2.02: Short-Range Transportation Planning42
 - Task 2.03: System Performance and Congestion Management47
 - Task 2.04: Mobility and Public Transportation Planning51
 - Task 2.05: Air Quality Planning54
 - ELEMENT #3: PUBLIC PARTICIPATION 58
 - Task 3.01: Public Information, Outreach, and Participation59
 - ELEMENT #4: TRANSPORTATION PLANNING ASSISTANCE AND COORDINATION..... 61
 - Task 4.01: Program Coordination and Certification Process62
 - Task 4.02: Local Technical Assistance Projects64
 - ELEMENT #5: STAFF TRAINING AND MAINTENANCE AND PRODUCTION OF PLANNING RELATED DOCUMENTS.....65
 - Task 5.01: Staff Training.....66
 - Task 5.02: Planning Documents, Reports, and Data Dissemination.....67
 - ELEMENT #6: MANAGEMENT68
 - Task 6.01: Direct Project Management.....69

List of Tables

Table 1: ACOG MPO Policy Committee.....1

List of Figures

Figure 1: ACOG MPO Organization.....4
Figure 2: ACOG MPO Area in Relation to the Four-County ACOG Region.....7
Figure 3: ACOG MPO Transportation Management Area and Urbanized Areas.....8

List of Attachments

Attachment 1: Memorandum of Understanding Between the Association of Central Oklahoma Governments, Oklahoma Department of Transportation, Central Oklahoma Transportation and Parking Authority, and City of Norman, Oklahoma..... 70
Attachment 2: ACOG MPO Technical Committee Bylaws 74
Attachment 3: Certification Statement ACOG MPO Transportation Management Area FY 2022 **Error! Bookmark not defined.**
Attachment 4: Related Correspondence **Error! Bookmark not defined.**

PART 1: INTRODUCTION

The Unified Planning Work Program (UPWP) is a description of the proposed multimodal transportation planning activities to be conducted in the Association of Central Oklahoma Governments Metropolitan Planning Organization (ACOG MPO) area during FY 2024 (July 1, 2023 to June 30, 2024). This program is administered by ACOG, in accordance with a *Memorandum of Understanding* between ACOG, the Oklahoma Department of Transportation (ODOT), the Central Oklahoma Transportation and Parking Authority (COTPA), and the City of Norman (Norman-Transit). ACOG serves as the MPO for the Oklahoma City Transportation Management Area (TMA), providing a multi-government, multi-agency body for carrying out a continuing, coordinated, comprehensive program of multimodal transportation system planning.

The Federal Highway Administration (FHWA) and Federal Transit Administration's (FTA) Offices of Planning have jointly issued Planning Emphasis Areas (PEAs) to assist MPOs in identifying and developing UPWP tasks.

- **Tackling the Climate Crisis – Transition to a Clean Energy, Resilient Future**—Ensure transportation plans and infrastructure investments help achieve the national greenhouse gas reduction goals and increase resilience to extreme weather events and other disasters resulting from the increasing effects of climate change
- **Equity and Justice⁴⁰ in Transportation Planning**—Advance racial equity and support for underserved and disadvantaged communities
- **Complete Streets**—Review current policies, rules, and procedures to determine their impact on safety for all road users
- **Public Involvement**—Increase meaningful public involvement in transportation planning by integrating Virtual Public Involvement (VPI) tools into the overall public involvement approach while ensuring continued public participation by individuals without access to computers and mobile devices
- **Strategic Highway Network (STRAHNET)/US Department of Defense (DOD) Coordination**—Coordinate with representatives from DOD in the transportation planning and project programming process on infrastructure and connectivity needs for STRAHNET routes and other public roads that connect to DOD facilities
- **Federal Land Management Agency (FLMA) Coordination**—Coordinate with FLMAs in the transportation planning and project programming process on infrastructure and connectivity needs related to access routes and other public roads and transportation services that connect to Federal lands
- **Planning and Environmental Linkages (PEL)**—Implement PEL as part of the transportation planning and environmental review processes
- **Data in Transportation Planning**—Incorporate data sharing and consideration into the transportation planning process, because data assets have value across multiple programs

The UPWP is prepared annually and serves as a basis for requesting federal planning funds from the U.S. Department of Transportation, as well as a management tool for scheduling, budgeting, and monitoring the planning activities of the participating entities. This document was developed with input from numerous agencies, including ODOT, FHWA, FTA, COTPA, the City of Norman, the Oklahoma City Traffic Management Division, and other cities included in the TMA

PART 2: ACOG MPO ORGANIZATION

COMMITTEE STRUCTURE

Multimodal transportation planning and implementation require a unified policy direction for all modes of travel. This direction is provided by a committee structure, which was developed jointly by the Oklahoma Department of Transportation (ODOT) and local governments within the ACOG MPO. The structure includes the ACOG MPO Policy Committee, ACOG MPO Technical Committee, and Stakeholder Advisory Group (SAG). The ACOG MPO organizational structure, which includes additional committees and subgroups, is shown in [Figure 1](#).

ACOG MPO Policy Committee

The ACOG MPO Policy Committee has 46 members and is the single policy group for regional transportation decision making in the ACOG MPO area. The Policy Committee voting membership is composed of locally elected officials, state transportation department managers and commissioners, and designees from other local agencies, representing various transportation modes. Each member local government has one vote. Federal aviation, transit, and highway officials are designated as non-voting Policy Committee members. The primary functions of the Policy Committee are to provide guidance for multimodal transportation planning and to assure coordination among transportation modes, local government entities, and planning efforts. The current membership of the Policy Committee is shown in [Table 1](#).

The Chairman of the Policy Committee is elected from the membership every year for a one-year term. Individual local governing bodies select their representatives to the Policy Committee. Staff personnel of ACOG have been designated by the Policy Committee to provide administrative and clerical support to the Committee. The Policy Committee meets at 1:20 p.m., usually on the last Thursday of each month in the Board Room of the Association of Central Oklahoma Governments.

ACOG MPO Technical Committee

Technical review and guidance for the ACOG MPO planning programs are provided by the Technical Committee. This committee is generally composed of city planners, city engineers and traffic managers, and also includes representatives of various modes, environmental agencies, ODOT, the Oklahoma Turnpike Authority, and the federal transportation agencies.

The Technical Committee makes recommendations to the Policy Committee concerning adoption and approval of all transportation plans and programs, such as the Unified Planning Work Program (UPWP), the Metropolitan Transportation Plan (MTP), and the Transportation Improvement Program (TIP). The Technical Committee is governed by bylaws approved by the Policy Committee and typically meets at 10 a.m. on the second Thursday of each month to review the progress of the tasks outlined in the UPWP. The Technical Committee also monitors the performance of the regional transportation system and recommends policy changes to the Policy Committee to improve system performance.

Stakeholder Advisory Group (SAG)

With the update of the Public Participation Plan (PPP) in 2020, the previous Citizens Advisory Committee (CAC) was replaced with a Stakeholders Advisory Group (SAG). ACOG extended SAG membership to representatives of all transportation modes, minority and elderly populations, persons with disabilities, businesses, local governments, environmental/public interest groups, neighborhoods, and private citizens. This committee provides a tool to ensure that the public is kept aware of planning developments, that the transportation planning process is responsive to public needs, and that advocates of various modes are included and heard.

**Figure 1:
ACOG MPO Organization**

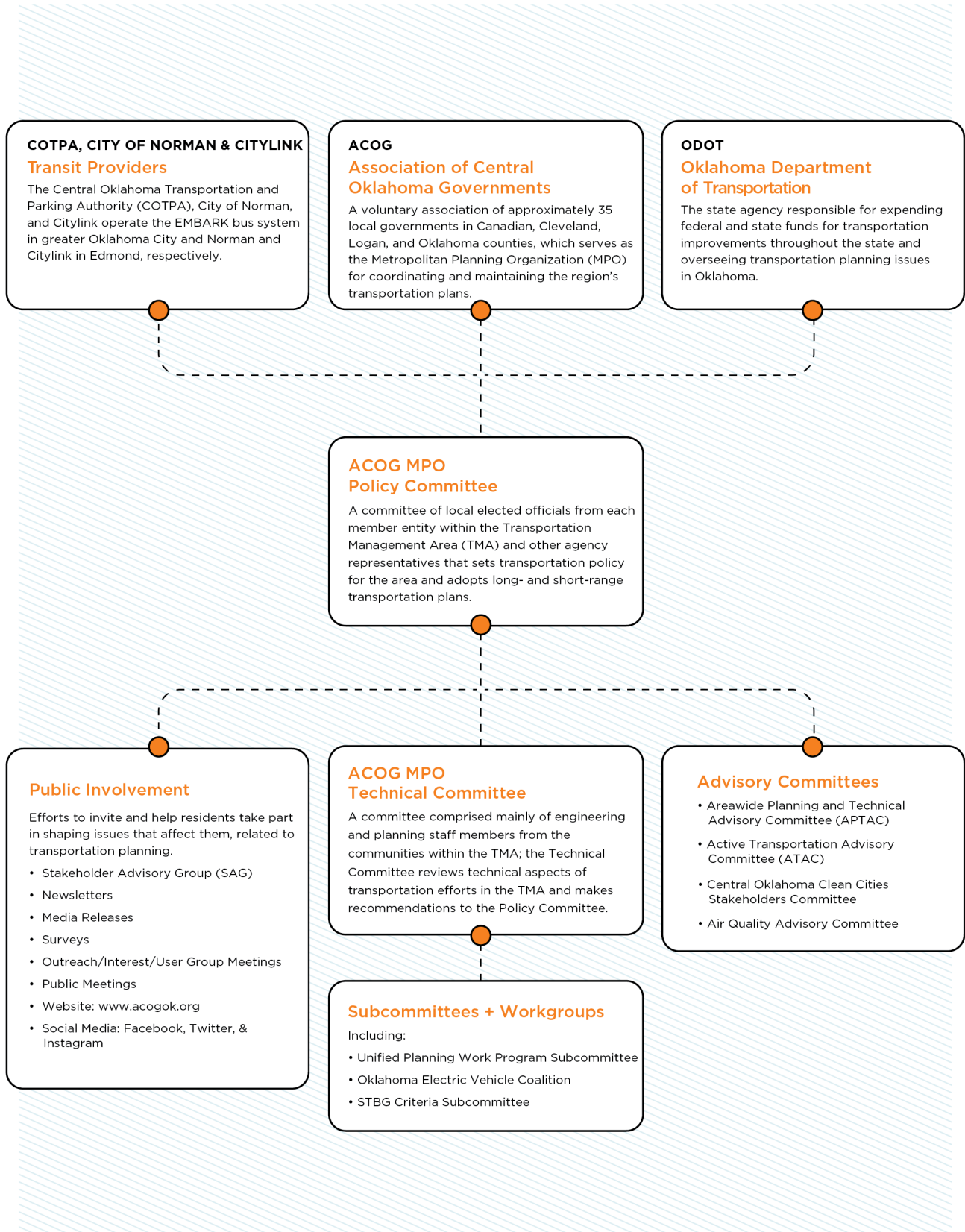


Table 1:
ACOG MPO Policy Committee
as of May 25, 2023

ACOG MPO POLICY COMMITTEE

| LOCAL GOVERNMENT MEMBERS | | |
|---------------------------------|---------------------------------------|---------------------------------------|
| CITY/ORGANIZATION | MEMBERS | ALTERNATES |
| BETHANY | Hon. Nikki Lloyd Mayor | Hon. Chris Powell Vice-Mayor |
| | | Hon. Kathy Larsen Councilmember |
| BLANCHARD | Hon. Ben Whitt Councilmember | Hon. Chuck Kemper Vice Mayor |
| | | Hon. Michael Sclaf Mayor |
| CEDAR VALLEY | Hon. Tom Trello Vice-Mayor | Hon. Jerry Cole Trustee |
| CHOCTAW | Hon. Cody Brewer Councilmember | Hon. Chad Allcox Mayor |
| COLE | Hon. W. Chester Anderson Mayor | Vacant |
| DEL CITY | Hon. Floyd Eason Mayor | Hon. Pam Finch Vice-Mayor |
| | | Hon. Michael Dean Councilmember |
| EDMOND | Hon. Barry K. Moore Councilmember | Hon. Darrell Davis Mayor |
| FOREST PARK | Hon. Rashanna Baker Trustee Ward 5 | Hon. Stephen Miller Trustee |
| | | Hon. George H. Smith Mayor/Trustee |
| GOLDSBY | Hon. Glenn Berglan Mayor | Hon. Russ McReynolds Vice Mayor |
| GUTHRIE | Hon. Steven J. Gentling Mayor | Hon. Adam Ropp Councilmember |
| HARRAH | Hon. Tim Rudek Councilmember | Hon. Jeff Brzozowski Councilmember |
| JONES CITY | Hon. Missy Wilkinson Mayor | Hon. Chris Calvert Trustee |
| LEXINGTON | Hon. Mike Donovan Councilmember | Hon. Max Punneo Vice-Mayor |
| LUTHER | Hon. Terry Arps Mayor | Hon. Joshua Rowton Trustee |
| | | Hon. Carla Caruthers Trustee |
| MIDWEST CITY | Hon. Matt Dukes Mayor | Hon. Pat Byrne Councilmember |
| | | Hon. Rick Favors Councilmember |

ACOG MPO POLICY COMMITTEE (CONT.)

| LOCAL GOVERNMENT MEMBERS (CONT.) | | |
|----------------------------------|-------------------------------------|---------------------------------------|
| CITY/ORGANIZATION | MEMBERS | ALTERNATES |
| MOORE | Hon. Mark Hamm Councilmember | Hon. Glenn Lewis Mayor |
| | | Any Moore Councilmember |
| MUSTANG | Hon. Brian Grider Mayor | Hon. James Wald Councilmember |
| NEWCASTLE | Hon. Mike Fullerton Vice-Mayor | Hon. Marci White Councilmember |
| NICHOLS HILLS | Hon. Peter Hoffman Councilmember | Hon. Sody Clements Vice Mayor |
| NICOMA PARK | Hon. Mark Cochell Mayor | Hon. Mike Czerczyk Vice Mayor |
| NOBLE | Hon. Phil Freeman Mayor | Hon. George Schmerer Councilmember |
| NORMAN | Hon. Larry Heikkila Mayor | Hon. Stephen Holman Councilmember |
| OKLAHOMA CITY | Hon. Todd Stone Councilmember | Any Oklahoma City Councilmember |
| PIEDMONT | Rob Jones Councilmember | Hon. Bryon Schломach Councilmember |
| | | Hon. Ryan Aller Councilmember |
| SLAUGHTERVILLE | Leah Grady Trustee | Hon. Eugene Dicksion Trustee |
| SPENCER | Hon. Frank Calvin Mayor | Hon. Charmin Williams Vice Mayor |
| TUTTLE | No Designee | Hon. Austin Hughes Councilmember |
| THE VILLAGE | Hon. David Bennett Councilmember | Hon. Sean Cummings Vice-Mayor |
| | | Hon. Melodie Moore Councilmember |
| WARR ACRES | Hon. Roger Godwin Mayor | Hon. John Knipp Councilmember |
| | | Hon. Mike Schmidt Vice-Mayor |
| YUKON | Hon. Shelli Selby Mayor | Hon. Jeff Wootton Vice Mayor |
| CANADIAN COUNTY | Hon. Tomas Manske Commissioner | Hon. David Anderson Commissioner |
| | | Hon. Tracey Rider Commissioner |
| CLEVELAND COUNTY | Hon. Rod Cleveland Commissioner | Hon. Rusty Grissom Commissioner |

ACOG MPO POLICY COMMITTEE (CONT.)

| LOCAL GOVERNMENT MEMBERS (CONT.) | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|------------------------------------------------------------|
| CITY/ORGANIZATION | MEMBERS | ALTERNATES |
| LOGAN COUNTY | Hon. Mark Sharpton Commissioner | Hon. Monty Pearcey Commissioner |
| MCCLAIN COUNTY | Hon. Wilson Lyles Commissioner | Hon. Terry Daniel Commissioner |
| OKLAHOMA COUNTY | Hon. Carrie Blumert Commissioner | Hon. Myles Davidson Commissioner |
| | | Hon. Brian Maughan Commissioner |
| AGENCY MEMBERS | | |
| CITY/ORGANIZATION | MEMBERS | ALTERNATES |
| CENTRAL OKLAHOMA TRANSPORTATION AND PARKING AUTHORITY (COTPA) | Suzanne Wickenkamp Asst. Director - Operations | Jason Ferbrache Asst. City Mgr./COTPA Administrator |
| CITY OF NORMAN, OKLAHOMA (Transit) | Taylor Johnson Transit & Parking Program Mgr. | Jason Huff Transit Planner & Grants Specialist |
| OKLAHOMA CITY AIRPORT TRUST | Randon Rieger, P.E. Civil Engineer III | John Storms Civil Engineer IV |
| OKLAHOMA DEPT. OF TRANSPORTATION (ODOT) - Planning and Policy | Dawn Sullivan, P.E. Deputy Director | Laura Chaney Planning Branch Manager |
| | | Monte Smith Administrator of Legislative Affairs |
| OKLAHOMA DEPT. OF TRANSPORTATION (ODOT) - Office of Mobility | Jared Schwennesen Multi-Modal Division Manager | No Designee |
| OKLAHOMA TRANSPORTATION COMMISSION (OTC) - DIVISION 3 - MCCLAIN & CLEVELAND COUNTIES IN ACOG MPO AREA | T.W. Shannon Transportation Commissioner | Ron Brown, PE ODOT Division 3 Engineer |
| | | Rick Johnson ODOT Director of Project Delivery |
| OKLAHOMA TRANSPORTATION COMMISSION (OTC) - DIVISION 4 - CANADIAN, LOGAN, & OKLAHOMA COUNTIES IN ACOG MPO AREA | Don Freymiller Transportation Commissioner | Trenton January, P.E. ODOT Division 4 Engineer |
| | | Daniel Nguyen, P.E. ODOT Project Mgmt. Division Manager |
| OKLAHOMA TRANSPORTATION COMMISSION (OTC) - DIVISION 7 - GRADY COUNTY IN ACOG MPO AREA | Stephen J. LaForge Transportation Commissioner | Jay Earp, P.E. ODOT Division 7 Engineer |
| | | Laura Chaney ODOT Planning Branch Manager |
| FEDERAL AVIATION ADMINISTRATION (FAA) | Glenn Boles Mgr. AR/OK Airports Dist. Office | Vacant |
| FEDERAL HIGHWAY ADMINISTRATION (FHWA) | Basharat Siddiqi Oklahoma Division Administrator | Carl Selby Program Support Team Leader |
| | | Isaac Akem Community Planner |
| FEDERAL TRANSIT ADMINISTRATION (FTA) | No Designee | Vacant |

SPONSOR AGENCIES

The ACOG MPO is sponsored by the State of Oklahoma (ODOT), the local transit operators (COTPA and Norman-Transit) and the Metropolitan Planning Organization (ACOG). The ACOG MPO planning process is staffed with personnel from each of these sponsor agencies and with additional transportation personnel from the City of Oklahoma City and several suburban cities who work under contract with the Association of Central Oklahoma Governments.

Association of Central Oklahoma Governments (ACOG)

The Association of Central Oklahoma Governments (ACOG) is a voluntary association of city, town, and county governments within the four-county (Oklahoma County, Cleveland County, Logan County, and Canadian County) region known as Central Oklahoma. Established in 1966, ACOG's purpose is to aid local governments in planning for common needs, cooperating for mutual benefit, and coordinating for sound regional development. This regional cooperation serves to strengthen both the individual and collective capabilities of local governments.

ACOG is the designated Metropolitan Planning Organization (MPO), conducting the transportation planning process in compliance with the provisions of the Federal Highway and Federal Transit Acts of 1962, as amended by the Infrastructure Investment and Jobs Act (IIJA), signed into law November 15, 2021. Initially designated as a Metropolitan Planning Organization (MPO) in October 1973, ACOG has worked cooperatively with ODOT and other partners in Central Oklahoma to develop and maintain a regional transportation plan for the ACOG MPO area.

The Board of Directors serves as the governing body of the Association (Sec. 1. (e) (b), ACOG Agreement). The Board has sole authority to initiate and review all activities, grants, and contracts, and to adopt or approve any study or plan pertaining to the four-county region. This authority is exercised by a quorum of the Board voting according to the authorized weighted vote of each member government (Sec. IV, ACOG Agreement). The business of the Association is transacted according to the provisions of the "Agreement Creating the Association," effective March 31, 1983, as amended.

The ACOG Board of Directors reviews and may elect to endorse actions of the ACOG MPO Policy Committee. It is understood that items relating to the transportation planning process are covered by an annual agreement between ODOT and ACOG.

Oklahoma Department of Transportation (ODOT)

The Oklahoma Department of Transportation was established on September 1, 1976, following the State Legislature's approval of reorganization legislation.¹ The reorganization combined, in their entirety, the Oklahoma Highway Department, the Oklahoma Aeronautics Commission, and the Oklahoma Highway Safety Coordination Committee. Subsequently, in 2002, the Aeronautics Commission separated from ODOT and was classified as a separate agency. The Rail and Transit staff of the former Department of Economic and Community Affairs and the powers of the Railroad Maintenance Authority were also transferred to the Oklahoma Department of Transportation. In the early 1990s, the duties of the Waterways Branch of the Department of Commerce were also brought under the jurisdiction of ODOT.

According to Title 69 O.S. 1981, Sec. 4002, the Department of Transportation has the following responsibilities:

1. To coordinate and develop for the State of Oklahoma a comprehensive transportation plan to meet present and future needs for adequate, safe and efficient transportation facilities at reasonable cost to the people.

¹ "An Overview of the State's Public Transportation Mandate and Public Transportation Operations in Oklahoma." October 24, 1978. ODOT Planning Division.

2. To coordinate the development and operation of such transportation facilities in the state including, but not limited to, highways, public transportation, railroad, marine and waterways, and aeronautics.
3. To develop, periodically revise and maintain a comprehensive state master plan for transportation facilities.
4. To develop the STIP and approve the metropolitan TIPs as the Governor's designee.
5. To develop measurable objectives and goals designed to carry out the master plan for transportation and report progress in achievement of objectives and goals to the Governor and Legislature as part of the annual budget submission.
6. To make such studies and analyses of transportation problems as may be requested by the Governor or Legislature relative to any aspect of transportation in the state.
7. To exercise and perform such functions, powers and duties as may be, from time to time, conferred or imposed by law, including all the functions, powers and duties assigned and transferred to the Department of Transportation by this act.
8. To apply for, accept and receive and be the administrator for and on behalf of the state agencies, boards, and commissions of all federal or other monies now or hereafter available for purposes of transportation or which would further the intent and specific purposes of this act.
9. To cooperate with local governments in the planning and development of transportation-related activities and encourage state and federally funded plans and programs at the local level consistent with the goals and objectives of the state master plan for transportation.

ODOT has developed various techniques to generate public interest and to promote public participation in the decision-making process related to proposed transportation improvements undertaken with federal assistance.

The Department completes a field review for all projects in the 8-Year Construction Work Plan. The review consists of researching projects for location, design, and social, environmental, and economic impacts. Part of the social, environmental, and economic analysis during the review is a consideration of the public involvement needs for a specific project.

During the individual project development process, ODOT staff performs more detailed planning and engineering studies related to location, design, and analysis of social, environmental, and economic impacts. During this phase, one or more of the following public involvement tools may be employed: public meetings, distribution of flyers in the study area, press releases, meetings with locally elected officials, and coordination with local, state, and federal resource agencies.

The ACOG MPO public involvement process is coordinated with the ODOT process, and they are intended to be used as vehicles to promote maximum public participation early enough in the planning process to influence technical studies and subsequent final decisions. This ensures that decisions, as they are made, will be in the overall public interest and that the average citizen will have an adequate opportunity to have input during the decision-making process.

Local Transit Operators

Central Oklahoma Transportation and Parking Authority (COTPA)

The Central Oklahoma Transportation and Parking Authority was created under a Trust Indenture, dated February 1, 1966. The Trust has the authority "to plan, establish, develop, acquire, construct, purchase, install, repair, enlarge, improve, maintain and equip transit systems and facilities and public parking systems and facilities either within or outside the territorial boundaries of the City of Oklahoma City." This Trust Indenture establishes that COTPA has the authority to provide regional transit and parking services. COTPA is governed by a Board of eight Trustees, including the Oklahoma City Mayor, the City Manager of Oklahoma City, the Oklahoma City Finance Director and five additional trustees who are appointed by the Oklahoma City Council.

As of November 1, 1989, the City of Oklahoma City reorganized the city's transit system, creating the Department of Transit Services as the planning/administration arm of COTPA.

The operations and maintenance functions of the transit system have remained the responsibility of the Authority.

Each year COTPA develops a Program of Projects (POP) reflecting anticipated capital, planning, and operating needs for the upcoming fiscal year along with an estimated budget. COTPA submits projects to the MPO for inclusion in the transit portion of the Transportation Improvement Program (TIP) and carries out the transit-related planning activities contained in the UPWP. In recent years, COTPA has been authorized, through the TIP, to use a portion of the region's Congestion Mitigation/Air Quality (CMAQ) funds for transit investments that demonstrate a positive impact on air quality. COTPA utilized the public notice/public involvement opportunities related to the TIP, performed by the MPO, to ensure opportunity for public input on the POP.

Norman-Transit

Cleveland Area Rapid Transit (CART) – previously administered under the umbrella of COTPA – was recognized as a small urbanized area transit entity as a result of the 2000 Census and became a direct recipient of FTA funds beginning in FFY 2003. Until August 2019, CART, operated by the University of Oklahoma, provide transit service for both on-campus and off-campus routes within the City of Norman. In FY 2019, the University of Oklahoma began transitioning operations of the off-campus public transit service to the City of Norman.

In July 2019, CART relinquished the use of FTA Section 5307 direct recipient funds designated to the Norman Urbanized Area and began operating on-campus bus service for the University of Oklahoma only, and the City of Norman began operation of the service for off-campus bus routes and paratransit services. The City of Norman, in place of CART, cooperatively works with ACOG, ODOT, and COTPA on the planning efforts outlined in the annual Unified Planning Work Program (UPWP), which includes development and implementation of the ACOG MPO Metropolitan Transportation Plan (MTP) and Transportation Improvement Program (TIP).

Citylink

Citylink runs four local routes serving the University of Central Oklahoma (UCO) campus and a large portion of the City of Edmond, as well as an express route to and from Oklahoma City.

AFFILIATED AGENCIES/ENTITIES

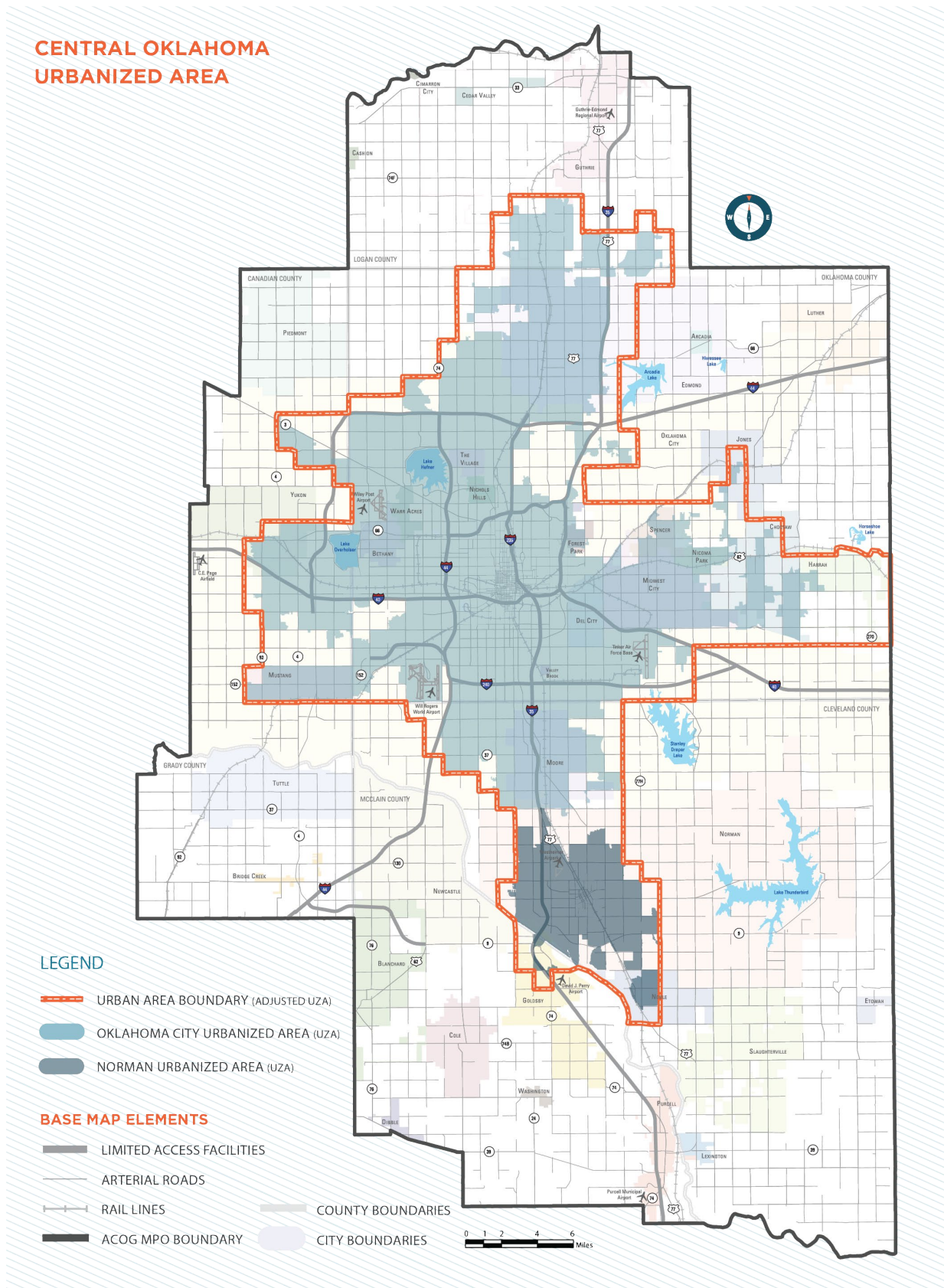
ACOG also works with the Air Quality Division of the Oklahoma Department of Environmental Quality (ODEQ) on preserving the Oklahoma City metropolitan area's air quality attainment status through clean air initiatives including Ozone Alert Day outreach and the Ozone Advance program.

The ODEQ Air Quality Division was established in 1993 to implement the federal and state air quality mandates regarding emission inventory, planning, permitting, monitoring, compliance, and enforcement activities, as required under the 1990 Clean Air Act Amendments. The ACOG MPO area is currently in attainment status under the 1990 Clean Air Act Amendments, and under the terms of this Act, the ODEQ Air Quality Division is the designated agency responsible for preparing and monitoring the State Implementation Plan for the Oklahoma City metropolitan area.

ACOG MPO TRANSPORTATION MANAGEMENT AREA

The ACOG MPO Transportation Management Area (TMA) encompasses all of Oklahoma and Cleveland Counties, and parts of Canadian, Grady, Logan, and McClain Counties. On April 27, 2023, the ACOG MPO Policy Committee voted to expand the ACOG MPO TMA boundary by adding portions of Canadian County, including the cities of El Reno, Union City, and a part of Calumet. The previous TMA boundary had been in place since it was approved in February 2002. [Figure 2](#) reflects the expanded ACOG MPO area in relation to the four-county ACOG region. [Figure 3](#) reflects the urbanized areas within ACOG MPO TMA.

**Figure 3:
ACOG MPO Transportation Management Area and Urbanized Areas**



PART 3: FY 2024 UNIFIED PLANNING WORK PROGRAM PRIORITIES

The Unified Planning Work Program reflects and provides direction for implementing the financially constrained, public-influenced, intermodal ACOG MPO Plan, entitled *Encompass 2045*. The Metropolitan Transportation Plan, last adopted in 2021, has provided the framework for other modal plans including:

- EdmondShift Long-Range Mobility Plan, 2022
- East Edmond 2050 Plan, 2022
- OKC Moves Bus Plan, 2021
- Go Norman Transit Plan, 2021
- RTA of Central Oklahoma Transit System Plan, 2021
- Downtown Edmond Parking Plan, 2020
- adaptOKC, 2020
- Old Town Moore Revitalization Plan and Parking Analysis, 2019
- The Edmond Plan, 2018
- Eastern Oklahoma County Partnership Regional Comprehensive Plan, 2018
- bikewalkOKC, 2018
- planOKC, 2015 (amended 2020)
- Edmond Downtown Master Plan, 2014
- Norman Comprehensive Transportation Plan, 2014
- Central Oklahoma Commuter Corridors Study, 2014
- Oklahoma City Parks Master Plan, 2013
- Edmond Bicycle Master Plan, 2012
- Regional Intermodal Transportation Hub Study, 2011
- Greater Downtown Oklahoma City Circulator Alternatives Analysis, 2010
- Oklahoma City Project 180, 2010
- Midwest City Trails Master Plan and Implementation Study, 2010
- Oklahoma City Walkability Study, 2009
- Oklahoma City Downtown Streetscape Master Plan, 2009
- Master Trails Plan Update (City of Moore), 2008
- Oklahoma City Bicycle Transportation Strategic Action Plan 2008-2015, 2008
- Coordinated Public Transit-Human Services Plan, 2008
- Core to Shore Plan (Oklahoma City), 2007
- Fixed Guideway Study (COTPA), 2006
- Edmond Transportation Plan, 2006
- Oklahoma River Water Transport Mobility Program (Oklahoma City), 2005
- Norman Transportation Needs Assessment Study, 2003
- COTPA Long-Range Transit Plan, 2001

Thus, street and highway, bus, bicycle and pedestrian ways, and airport access improvements are all considered in the intermodal regional transportation plan that seeks the efficient movement of people and goods.

This Unified Planning Work Program (UPWP) presents the scope and direction of all transportation planning activities in the region and specifies which work program tasks will be accomplished during FY 2024 (July 1, 2023 to June 30, 2024). This part of the UPWP describes priorities related to various intermodal planning efforts in the ACOG MPO Transportation Management Area. Priorities of the FY 2024 UPWP include: development of the 2050 MTP base data for the expanded ACOG MPO TMA; development of the 2050 MTP future year data; update of the regional travel demand model (TDM); continued implementation of the ACOG MPO Active Transportation Plan and Complete Streets Policy; publication of the Central Oklahoma Public Spaces Amenity Guide; update of the FFY 2024-2027 ACOG MPO TIP and continue coordination with local governments regarding federal transportation funding opportunities. Other priorities entail continued update of the regional Intelligent Transportation Systems (ITS) Architecture and Deployment Plan in coordination with ODOT; development of Regional Safety Action Plan, funded through a Safe Streets and

Roads for All (SS4A) grant; continuation of the bicycle and pedestrian public safety campaign in coordination member local governments; creation of the Regional Air Quality Plan in coordination with area stakeholders; ; review of MPO public outreach strategies leading to an update of the Public Participation Plan (PPP); collaboration with the City of Oklahoma City, the Oklahoma City Community Foundation (OCCF), OKC Beautiful and other stakeholders on the development of an Urban Forestry Master Plan and an Urban Heat Island Mapping Study; compliance with the federal transportation law; and monitor emerging transportation system issues and technologies. The work program recognizes a continuation of data collection efforts, through subcontracts with Oklahoma City, Choctaw, Edmond, Norman, Moore, and Midwest City.

The current regional transportation plan, *Encompass 2045*, was approved by the Metropolitan Planning Organization (MPO) and endorsed by the ACOG Board of Directors in November 2021. This financially constrained Plan includes recommendations for streets and highways, airport access, transit, freight movement, and bicycle and pedestrian facilities.

The work element and task descriptions included in this work program were prepared and approved through the ACOG committee structure which provides technical and policy guidance for the continuing transportation planning process. The work program elements may be revised or amended at any time to reflect improved study procedures. Revisions or amendments must be approved through the Technical and Policy Committee structure.

SPECIAL CONCERNS AND METROPOLITAN PLANNING FACTORS

State, regional, and local priorities are expressed by the ACOG MPO members in development and execution of the planning program. Federal planning emphasis areas are often expressed through legislation or through planning guidance issued by the Federal Highway Administration, the Federal Transit Administration, or the Environmental Protection Agency. The FY 2024 UPWP was developed in compliance with the Infrastructure Investment and Jobs Act (IIJA), which was signed into law on November 15, 2021. Current surface transportation legislation requires MPOs to consider ten (10) factors in the transportation planning process. Additionally, the IIJA continues its predecessor's emphasis on financial feasibility, public involvement, consideration of social, economic, and environmental impacts of transportation decisions, and performance-based planning. Substantial work is anticipated during FY 2024 in consideration of these planning requirements. Following is a description of the planning factors and a summary of FY 2024 planning activities applicable to each planning factor.

1. Support economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency.
 - Task 1.01 (1-8) – compile and analyze data about regional employment and growth
 - Task 1.02 (1-4), Task 2.01 (4), and Task 2.02 (2,5) - compile and analyze information about current and future traffic patterns and travel conditions
 - Task 2.01 (10) – monitor advances in transportation system technology (including connected/autonomous vehicles) and their impact on the movement of people and goods
 - Task 2.01 (6,11,12), Task 2.02 (9-13), and Task 2.05 (10) – promote the use of alternative forms of transportation
 - Task 2.02 (7,8) - provide a process to evaluate proposed TIP projects based on anticipated efficient movement of people and goods
 - Task 2.02 (1) - assist ACOG MPO entities in identifying needed transportation improvements and related funding sources
 - Task 2.01 (7,8,9) and Task 2.02 (4,6) - participate in evaluation of proposed major transportation improvement projects in the metropolitan area
 - Task 2.02 (9-13) and Task 2.04 (1-10) - assess transit needs and promote transit options in ACOG MPO area
 - Task 2.03 (1-7) - develop performance-based planning, travel demand, congestion and performance management strategies to improve efficiency of existing system
 - Task 2.04 (2) – participate in maintaining the Coordinated Public Transit-Human Services Transportation Plan and work with state and local partners who provide

- public transportation services and health and human services, all consistent with the ACOG MPO long-range transportation plan and selected projects that will be included in the Transportation Improvement Program (TIP) and Statewide TIP (STIP)
- Task 2.05 (1) - continue to study the potential impacts of an Environmental Protection Agency (EPA) ozone nonattainment designation
 - Task 2.05 (3-8) - promote and educate concerning the use alternative fuels
2. Increase safety of the transportation system for motorized and nonmotorized users.
 - Task 1.02 (2) - identify bridges and roadways where unsafe conditions underscore the need for prompt improvement
 - Task 2.01 (4) and Task 2.02 (2) - monitor intermodal improvements in the ACOG MPO area
 - Task 2.01 (10) - monitor advances in technology that may lead to increased safety and security of the transportation system
 - Task 2.01 (10) and Task 2.03 (3-6) - promote use of technological solutions, alternate routes, etc. to manage incidents
 - Task 2.02 (1,4,5) - coordinate with ODOT in selecting projects that merit special funding consideration because related safety concerns warrant attention
 - Task 2.02 (7,8) and Task 2.03 (1,2)- consider safety as factor in evaluation of proposed TIP projects
 - Task 2.03 (1-6) - identify locations of recurring congestion and high crash rates and encourage development of appropriate safety and congestion management strategies
 - Task 2.03 (7) - continue programs to protect the safety of transit passengers, vehicles, and transit infrastructure
 3. Increase security of the transportation system for motorized and nonmotorized users.
 - Task 1.02 (2) - maintain pavement and bridge inventories
 - Task 1.03 (1-7) - maintain an inventory of comprehensive regional base maps
 - Task 2.01 (4) and Task 2.02 (2) - monitor intermodal improvements in the ACOG MPO area
 - Task 2.01 (10) and Task 2.03 (4-6) - promote the use of technology to enhance the security of roadway infrastructure
 - Task 2.03 (7) - promote the use of technology to enhance transit service security
 - Task 2.03 (6,7) - coordinate with homeland security and emergency management related agencies and committees
 4. Increase accessibility and mobility options available to people and freight.
 - Task 1.01 (1-8) - assemble and analyze demographic, socioeconomic and land use data to simulate the current and planned land development patterns in which the transportation system must operate
 - Task 1.01 (1-8), Task 2.01 (4,11,12), Task 2.02 (9-13) and Task 2.04 (1-6,8,9) - assess transit needs and promote transit options in ACOG MPO area
 - Task 1.01 (5) and Task 2.01 (4,5,7,8,10) - enhance the forecasting ability of regional models
 - Task 1.01 (7), Task 3.01 (5-9), and Task 4.01 (6,7) - ensure compliance with civil rights laws and other guidelines calling for access to information about, and options related to, transportation choices
 - Task 1.02 (4), Task 2.02 (9,12), and Task 2.04 (2) - maintain a current transit database that documents characteristics of bus service available to metropolitan area travelers
 - Task 2.01 (2) - process Plan amendments that meet the public involvement, fiscal constraint, and air quality thresholds, and demonstrate the ability to improve mobility for movement of people and freight
 - Task 2.01 (4,5) and Task 2.02 (2) - collect and analyze network data to improve the efficiency of existing and future ACOG MPO area transportation networks

- Task 2.01 (11,12) and Task 2.04 (6,8-10) - promote regional transit discussion
 - Task 2.02 (2,5) - continue working with ODOT and other states on freight and trade
 - Task 2.02 (3) - maintain current information on federal functional classification network and analyze major investments which can increase mobility options
5. Protect and enhance the environment, promote energy conservation, and improve quality of life, and promote consistency between transportation improvements and state and local planned growth and economic development patterns.
- Task 1.01 (1-8) - evaluate social, environmental, land use and economic impacts of transportation plans
 - Task 1.01 (1-4,7,8) and Task 1.03 (1-7) - maintain geographic information system (GIS) that allows integrated analysis of various layers of data as they affect the human population and transportation network
 - Task 2.01 (8,9) - coordinate with ODOT and the Oklahoma Turnpike Authority (OTA) with regard to statewide transportation network improvements
 - Task 2.01 (10) - coordinate with regional partners to continue to utilize the 2019 Oklahoma City Metropolitan Area Tree Canopy Study
 - Task 2.01 (11,12) and Task 2.04 (6,8-10) - determine regional desire to develop and promote transit priorities
 - Task 2.02 (1) - monitor implementation of selected Transportation Alternatives Program (TAP) projects
 - Task 2.02 (6) - develop a planning process that can be integrated into the required environmental analysis for major highway and transit projects
 - Task 2.03 (1-6) - improve the efficiency of the current transportation system
 - Task 2.04 (1-5) - continue provision of paratransit services for the elderly and individuals with disabilities
 - Task 2.04 (2) - participate in maintaining the Coordinated Public Transit-Human Services Transportation Plan and work with state and local partners who provide public transportation services and health and human services, all consistent with the ACOG MPO long-range transportation plan and selected projects that will be included in the Transportation Improvement Program (TIP) and Statewide TIP (STIP)
 - Task 2.05 (1) - continue to study the potential impacts of an Environmental Protection Agency (EPA) ozone nonattainment designation
 - Task 2.05 (1-8) - monitor air quality in the metropolitan area, and implement measures to improve air quality, including promotion of alternative forms of transportation, use of clean fuels, implementation of transportation system management strategies
 - Task 3.01 (1-11) - maintain contact with area citizens and business with a focus on receiving and providing information that can help to improve the transportation system and quality of life for the metropolitan area
6. Enhance integration and connectivity of the transportation system, across and between modes, and for people and freight.
- Task 1.03 (1), Task 2.01 (4), and Task 2.02 (2) - monitor and map the continuing development of the intermodal regional transportation network, including transit, bicycle and pedestrian trail strategies
 - Task 2.01 (8,9) - coordinate with ODOT and OTA with regard to statewide transportation network improvements
 - Task 2.01 (11,12) - integration of regional public transportation
 - Task 2.02 (3,4) - maintain updated functional classification system, and cooperate with ODOT in selection of projects for funding under the NHS, Bridge, and Interstate programs
 - Task 2.02 (7) - provide input for development of ODOT's Eight Year Construction Program and State TIP
 - Task 2.02 (9,12) - maintain transit route and scheduling database that assists in continuous internal review of bus route performance

- Task 2.05 (8) - support regional rideshare programs
7. Promote efficient system management and operation.
 - Task 1.01 (1-8) - assemble and analyze demographic, socioeconomic and land use data to simulate the current and planned land development patterns in which the transportation system must operate
 - Task 1.02 (2) - maintain an online management system (e-TIP) for transportation project tracking and evaluation and assist with the implementation of ODOT's new e-STIP
 - Task 2.01 (1-3,5) - develop and maintain fiscally constrained long-range transportation plan
 - Task 2.01 (4,5,7,10,11,12) - analyze future travel demand
 - Task 2.02(1) - monitor federally funded transportation improvements and provide periodic status reports
 - Task 2.02 (7) - provide a process to evaluate proposed TIP projects based on anticipated efficient movement of people and goods
 - Task 2.03 (1-5) - develop strategies to alleviate congestion and enhance mobility
 - Task 2.03 (5) - explore the establishment of a regional construction coordination program to ensure that construction and temporary closures will pose the least burden to the traveling public
 8. Emphasize preservation of the existing transportation system.
 - Task 1.01 (1-7) - assemble and analyze demographic, socioeconomic and land use data to simulate the current and planned land development patterns in which the transportation system must operate
 - Task 1.02 (1-4) - data collection of existing traffic and transportation conditions, strategic roadways, public transportation, and goods movement
 - Task 1.03 (1), Task 2.01 (4), and Task 2.02 (2) - monitor and map the continuing development of the intermodal regional transportation network, including transit, bicycle and pedestrian trail strategies (network monitoring)
 - Task 2.03 (1-5) - utilize congestion management and intelligent transportation technology to maximize efficient use of the existing transportation system (performance-based planning and management)
 9. Improve resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation.
 - Task 1.01 (4) - track local member land use developments and comprehensive plans
 - Task 1.01 (5) - explore methodologies for use with the 2050 land use scenarios
 - Task 1.02 (1-4), Task 2.01(4), and Task 2.02 (2,5) - compile and analyze information about current and future traffic patterns and travel conditions
 - Task 1.03 (1), Task 2.01 (4), and Task 2.02 (2) - monitor and map the continuing development of the intermodal regional transportation network, including transit, bicycle and pedestrian trail strategies (network monitoring)
 - Task 2.01 (10) - coordinate with regional partners to continue to utilize the 2019 Oklahoma City Metropolitan Area Tree Canopy Study
 - Task 2.03 (1-5) - utilize congestion management and intelligent transportation technology to maximize efficient use of the existing transportation system (performance-based planning and management)
 10. Enhance travel and tourism.
 - Task 2.01 (8,9) - coordinate with ODOT and OTA with regard to statewide transportation network improvements
 - Task 2.01 (11,12) and Task 2.04 (6,8-10) - promote regional transit discussion
 - Task 2.02 (9-13) and Task 2.04 (1-10) - assess transit needs and promote transit options in ACOG MPO area

- Task 2.05 (3,9), and Task 3.01 (11) – coordinate with partners to promote livability principles, complete streets, healthy communities, and walkability
- Task 2.03 (1-5) - utilize congestion management and intelligent transportation technology to maximize efficient use of the existing transportation system (performance-based planning and management)

Additionally, the ACOG MPO planning process must include the following activities. These responsibilities are carried out through the completion of work program tasks as well.

1. Publish public involvement procedures that support early and continuing involvement of citizens, affected public agencies, transportation agency employees, private providers of transportation, public transit users, freight shippers, and other interested parties in the development of the transportation plans and transportation improvement programs (TIPs).
2. Comply with Title VI of the Civil Rights Act of 1964, the Presidential Order on Environmental Justice, and the State's assurance of nondiscrimination under any program receiving U.S. Department of Transportation (DOT) assistance.
3. Identify actions necessary to comply with the Americans with Disabilities Act of 1990 and applicable U.S. DOT regulations.
4. Provide for the involvement of traffic, rideshare, and parking agencies; airport and port authorities; and appropriate private transportation providers.
5. Provide for involvement of local, state, and federal environmental resource and permit agencies.
6. Include preparation of technical reports to assure documentation of the redevelopment, refinement, and reappraisal of the transportation plan.
7. Develop and maintain a long-range intermodal regional transportation plan that is fiscally constrained and addresses at least a 20-year period.
8. Develop/update a transportation improvement program (TIP) every year in cooperation with the State and public transit operators. The TIP must be fiscally constrained by year and may identify illustrative projects.

PART 4: ACCOMPLISHMENTS OF FY 2023

DATA DEVELOPMENT AND COMPREHENSIVE PLANNING

Socioeconomic Data, Scenario Planning, and Census Programs

The MPO continued collection of socioeconomic data (land use, population, employment, school enrollment, etc.) for use in the development of the 2050 Metropolitan Transportation Plan (MTP). In addition, residential and commercial building permits since 2020 were collected from member entities to determine the most recent growth trends in the region.

In FY 2023, MPO staff documented the 2045 land use scenario methodology and began collecting development and environmental data for use in the 2050 land use scenarios.

ACOG's Areawide Planning and Technical Advisory Committee (APTAC) remains a conduit for regional planning coordination. In FY 2023, the committee was presented information on Watch for Me OK and other active transportation planning efforts, regional population and building permit data, the ACOG Complete Streets Policy, regional ozone and air quality planning, zoning, professional development, technical assistance, and funding opportunities.

The MPO started to receive 2020 Census products. The 2020 census geographic data for tracts, block groups, and blocks were downloaded from the Census Bureau. Some of this data will be used in the development of the 2050 MTP.

Transportation Planning Data

MPO staff continued to work closely with several member entities in an effort to populate the online traffic count database system (TCDS) and mapping service, first procured in FY 2009. The regional traffic count data was utilized by ACOG for a number of planning initiatives including monitoring activities related to the Congestion Management Process, crash analysis, and for response to individual data requests. Along with vehicular traffic counts, the MPO also compiles bicycle and pedestrian count data. Bicycle and pedestrian counts are collected in the spring and fall of each year. ACOG continued to provide funding through the traffic count program for these regional bicycle and pedestrian count collection efforts. ACOG also utilized permanent bicycle and pedestrian counters located around the region to collect non-vehicular count data.

In 2013, the Federal Highway Administration (FHWA) began providing a National Performance Management Research Data Set (NPMRDS) to MPOs and state DOTs. The data set consists of vehicle travel time data on the interstate and non-interstate national highway system (NHS) and was provided to assist MPOs and DOTs with performance management activities, as required by MAP-21 and continued under the current surface transportation legislation. The MPO continues to compile and analyze the data in accordance with performance management regulations. The data set has also been analyzed as part of the congestion management process to help identify congested corridors within the region.

Geographic Information Systems

The MPO is uniquely situated to aid member communities with their GIS needs and has the potential to serve as the regional repository for many data sets, foster regional collaboration and improve regional data editing processes. In FY 2023, ACOG renewed its subscription to several online services. Staff continued an ArcGIS Online account, ESRI's online mapping and hosting platform that allows users to create and publish interactive GIS applications. Maps created using ArcGIS Online have been linked to documents and presentations as well as embedded in ACOG's numerous webpages, aiding staff in the dissemination of data. For instance, interactive maps produced using ArcGIS Online have been used as part of the FY 2023 call for STBG-UZA and Transportation Alternative Program (TAP) projects, as well as the display of regional crash data analysis, data from the Tree Canopy Assessment, and numerous 2045 MTP-related maps. ACOG has continued using ArcGIS Online to provide GIS assistance to member entities, creating maps used by members at city council meetings and

other public involvement efforts. Along with ArcGIS Online, ACOG continues to update and maintain its online mapping application.

As with previous years, the MPO provided coordination and assistance in the regional acquisition of aerial imagery and other digital products. The 2022 data will allow the MPO staff to verify land use and transportation project status for the 2050 MTP.

LONG-RANGE TRANSPORTATION PLANNING

Metropolitan Transportation Plan - Encompass 2045

On November 18, 2021, the Intermodal Transportation Policy Committee approved Encompass 2045, Central Oklahoma's MTP. Encompass 2045 is a long-term vision for the region's transportation system based upon locally developed goals and strategies. The plan identifies affordable major transportation investments that provide the best transportation solutions to accomplish the region's goals.

There were no Encompass 2045 project amendment requests in FY 2023.

Connected and Autonomous Vehicles

In FY 2023, the MPO continued to focus its attention on connected and autonomous vehicles, mainly by reviewing the latest news and research on the topic. ACOG was also invited to participate in the Driving Oklahoma Workgroup, an initiative established by the Oklahoma Secretary of Transportation to focus on connected and autonomous vehicle implementation within the state. The group continues to meet and share technical knowledge.

SHORT-RANGE TRANSPORTATION PLANNING

Monitoring Urbanized Area Funds

The MPO continued coordination with the Oklahoma Department of Transportation and local governments located in the Transportation Management Area concerning distribution, programming, and monitoring of federal Surface Transportation Block Grant - Urbanized Area (STBG-UZA) funds. Area STBG-UZA funds were based on the combined Census 2020 populations of the Oklahoma City and Norman Urbanized Areas per Sec. 6016 of the FAST Act. Project sponsors continue to submit projects through ACOG's electronic TIP (known as ProjectTracker, formerly eTRACKER), which was upgraded in FY 2023.

The updated and adopted *Surface Transportation Block Grant (STBG) Procedures for the Oklahoma City Urbanized Area Funds and Criteria and Process for Evaluation of STBG-UZA Projects* continued to serve as the MPO's policy for selecting project priorities using urbanized area funds. The STBG Procedures allow entities within the TMA boundary to apply for STBG-UZA funding. In FY 2020, ACOG's Technical and Policy committees approved a 10 percent cap on all stand-alone bicycle and pedestrian-related projects. The committees also approved various changes to the Criteria to ensure consistency with the MPO's goals and objectives. The MPO continued to manage and update the STBG-UZA Project Scoring Criteria Dashboard—an ArcGIS Online Dashboard where entities can score and submit projects for STBG-UZA funding consideration.

The Criteria and Process for Evaluation is assessed annually to ensure project scoring best meets the needs and priorities of the region.

Federal Functional Classification System

The MPO continued to review potential requests by member entities to amend the Federal Functional Classification System to reflect local needs and priorities. Any MPO recommendations were forwarded to ODOT for review and final action by the Federal Highway Administration.

Transit Operations

Transit services within the Central Oklahoma TMA continued to be provided through three urban transit systems. The EMBARK bus system, operated by the Central Oklahoma Transportation and Parking Authority (COTPA), serves the Oklahoma City Urbanized Area, with service to Midwest City, Spencer, and Warr Acres; Citylink, operated by McDonald Transit, serves the City of Edmond in the northern portion of the Oklahoma City Urbanized Area; and the City of Norman, operated by EMBARK, serves the Norman Urbanized Area. The 2010 census maintained separate urbanized Area (UZA) designations for the Oklahoma City and Norman UZAs, and both are designated recipients for FTA Sec. 5307 funds. In FY 2019, the University of Oklahoma administration decided to provide transit services on campus, but not in the community. CART's transition to a new, smaller service area began on July 1, 2019. The City of Norman continues to maintain the remaining Norman routes through a partnership with EMBARK.

Rural transit service was provided by First Capital Trolley, Central Oklahoma Community Transit System (COTS), Delta Public Transit, Washita Valley Transit, and Red River Transportation Service.

The MPO, COTPA, City of Norman Transit, Edmond Citylink, Oklahoma City Planning, and ODOT staff members met quarterly throughout FY 2023 to coordinate on regional planning and transit activities. The MPO continued to monitor changes and updates to regional transit networks, collect monthly ridership data, track the development of Transit Asset Management (TAM) performance measures, and assist transit providers with data analysis.

Enhancements and Bicycle/Pedestrian Facilities

In FY 2023, the nineteenth annual National Bike Month campaign in the ACOG TMA area was held during the month of May. ACOG planned a bicycle festival, known as BikeFest, to kick off Bike Month. BikeFest is a family friendly festival that celebrates bicycling for transportation, recreation, and health. This event featured local bike shops, community organizations, and had activities like free spin classes and bicycle maintenance demonstrations.

Bike to Work Week was held from May 15 - 21, with Bike to Work Day on May 19. The communities of Edmond, Guthrie, Midwest City/Tinker Air Force Base, Moore, Norman, Oklahoma City, Piedmont, and Yukon hosted Bike to Work Day events. All ACOG communities are encouraged to participate. The Bike to Work Day webpage was updated on the ACOG website to notify residents about the events this year.

In May 2021 the ACOG Board of Directors adopted the Regional Active Transportation Plan. This plan combined the previous Bicycle Plan and Pedestrian Plan into once comprehensive active transportation plan for the region. This plan includes a series of long-term goals and objectives that form the basis for recommendations and prioritization. Priority areas and corridors are identified, along with several implementation strategies and recommendations to help the region achieve a robust active transportation network.

The MPO's Active Transportation Advisory Committee (ATAC), formerly the Bicycle-Pedestrian Advisory Committee (BPAC), continues to disseminate regional bike, pedestrian, transit, and micromobility information and coordinate regional trails development. Among the presentations given to the committee over the past year include presentations on bike/pedestrian counts, member communities' trail openings, Eco-Counter presentations, updates on the Watch for Me OK bicycle and pedestrian safety campaign, Regional Active Transportation Plan updates, Transportation Alternatives Program grants, Air Quality Small Grant program, bike month planning, and training and grant opportunities.

Performance Based Planning Process

As part of Encompass 2045, the MPO analyzed a list of performance measures to monitor and evaluate the effectiveness of transportation investment in the region. Federally required performance measures as well as measures focusing on local priorities were included in the document. In March 2018, MPO staff set targets for the first set of measures centered on the safety of the transportation system in coordination with ODOT, OHSO, and FHWA. In FY

2019, staff set targets, in coordination with ODOT, for the nine remaining performance measures for bridge and pavement condition, as well as system performance. The targets were approved by the Technical and Policy Committees in October 2018. ACOG committees also approved updated safety targets (which are set annually) in March 2023. In 2020, ACOG prepared the 'Transportation System Performance Report: Performance Measure Targets and Monitoring.' This report identifies trends and associated targets for each regional and federal performance measure in the MTP.

Recurring Congestion and Congestion Management Process

The ACOG MPO is continually looking for opportunities to increase the efficiency of the existing transportation system. In FY 2017, MPO adopted a new congestion management process (CMP) for the region, in coordination with the 2040 MTP. The CMP update utilized newly available data to quantitatively evaluate the regional transportation system and identify congested corridors. The CMP also includes a set of performance measures to be evaluated on a routine basis, which allows for ongoing monitoring of identified congested corridors and the employed strategies.

In FY 2023, several projects and strategies were implemented to alleviate congestion problems in the TMA. The strategies included traffic operation improvements such as intersection modification, signalization and channelization, deployment of Intelligent Transportation Systems related infrastructure, interchange improvements, and improved bus service.

Non-Recurring Congestion and Traffic Incident Management (TIM)

Non-recurring congestion and traffic incidents make up a large portion of the ACOG MPO area congestion. Current surface transportation legislation prescribes that incident caused congestion mitigation to be a part of the overall CMP, thus bringing emphasis not only to overall travel time, but also to travel time reliability.

MPO staff continued their involvement with the statewide Traffic Incident Management (TIM) coalition and ACOG hosts the quarterly Statewide Transportation Innovation Council (STIC), which is organized by ODOT and FHWA.

The MPO also continued its involvement in the areawide collaboration associated with the regional snow routes system. Staff maintained contact with MPO entities in order to make sure that the regional snow routes were still accurate and that associated maintenance activities were being carried out as documented. The regional snow routes map is distributed to member entities, posted to social media, and shared with local media outlets.

Intelligent Transportation Systems

The MPO continued, in close coordination with the Oklahoma Department of Transportation (ODOT), to realize its vision for Intelligent Transportation Systems (ITS) within the MPO area. In FY 2023, ACOG awarded STBG-UZA funding to a major ITS infrastructure project in the City of Edmond, further implementing the Regional ITS Plan.

Safety Conscious Planning

The MPO is committed to providing a safe environment for the traveling public and has a track record of considering safety as an important factor in the development of the Transportation Improvement Program and the long-range transportation plan.

The MPO coordinated with ODOT and public safety officials in the collection and analysis of traffic crash data and the setting regional safety targets. In June 2020, the MPO completed the ACOG Regional Crash and Safety Report. In this report, staff performed various crash analyses to identify high crash locations throughout the MPO area.

Staff also applied for and was awarded another year of funding from the Oklahoma Highway Safety Office (OHSO) Highway Safety Grant. The grant focuses on increasing the overall

visibility of pedestrian and bicyclist safety issues through public service messages and community engagement efforts, such as special events and partnerships. The program also provides educational materials to area leaders such as government staff, pedestrian and bicycle advocates, city planners, law enforcement agencies, engineers, public health professionals, the media, influencers, elected officials, parents, and educators. The goal of this campaign is to reduce the total number of pedestrian and bicycle crashes and fatalities in Central Oklahoma.

Additionally, MPO staff attended coordination meetings with ODOT and statewide stakeholders regarding creation of the State Highway Safety Plan (SHSP).

Freight and Intermodal Transportation Planning

The MPO stayed apprised of the state-led Commercial Vehicle Operations (CVO) activities, as well as the ongoing Commercial Vehicle Information Network System (CVISN) planning and deployment.

AIR QUALITY

Air Quality Monitoring and Planning

The MPO continued to work with the Air Quality Division of the Oklahoma Department of Environmental Quality (ODEQ) on monitoring and evaluating ground-level ozone (O₃) and particulate matter (PM_{2.5} & PM₁₀) levels in Central Oklahoma.

In October 2015, EPA revised the primary and secondary ozone standard levels to 0.070 parts per million (ppm), and retained their indicators (O₃), forms (fourth-highest daily maximum, averaged across three consecutive years) and averaging times (eight hours). EPA's panel of science advisors, the Clean Air Scientific Advisory Committee (CASAC) had recommended to EPA that 60 parts per billion (ppb) be the lower limit of the range in June 2014. In December 2017, all seventy-seven counties in Oklahoma were designated 'Attainment/Unclassifiable.'

The Oklahoma City MSA had a design value of 0.072 in 2022.

The Oklahoma Department of Environmental Quality (ODEQ), Air Quality Division, in collaboration with the Association of Central Oklahoma Governments (ACOG), formally submits an Oklahoma City Metropolitan area path forward letter as required by participation in the EPA's Ozone Advance program. This is a "living" document and will be updated as programs are added or evolve. The document includes a list of Ozone Advance initiatives and ongoing programs for the Oklahoma City Metropolitan Statistical Area (MSA), comprised of Canadian, Cleveland, Grady, Lincoln, Logan, McClain, and Oklahoma counties, for which reports are provided to EPA on an annual basis. The Oklahoma City MSA report was submitted to EPA in May 2021.

On March 7, 2023, ACOG released a Request for Proposals for a Regional Air Quality Plan for the eight county Oklahoma City Metro area. As a follow-up to the Cost of Nonattainment Study that was completed in 2022, the Regional Air Quality Plan will provide a roadmap of how Central Oklahoma can remain in-attainment with the National Ambient Air Quality Standards (NAAQS). The proposed Plan is one of the recommended actions that addresses the ACOG Board's 2022 Air Quality Regional Vision Statement: "Continue to lead the effort to maintain the OKC Metropolitan area in attainment of EPA's NAAQS, which includes ozone, particulate matter (PM) standards, and support regional approaches to greenhouse gas emissions (GHG) reduction strategies." Work on the plan is expected to begin in July 2023.

In May 2023, ACOG submitted an application to the EPA Climate Pollution Reduction Grant (CPRG) program. The CPRG provides grants to local governments and tribes to develop and implement plans for reducing greenhouse gas emissions and other harmful air pollution. This \$1 million planning grant will then allow for Central Oklahoma communities to compete for over \$4 billion in Inflation Reduction Act (IRA) EPA emissions reductions funding opportunities, potentially for transportation-related projects.

Air Quality Public Awareness Campaign

The MPO continued administration of a comprehensive public education program on air quality and its requisite impacts on regional health, the economy and quality of life, including its effect on the transportation sector. The program has been funded primarily from Congestion Mitigation Air Quality (CMAQ) funds provided by the Oklahoma Department of Transportation (ODOT).

Social media and online platforms remain essential tools in raising awareness about Central Oklahoma's air quality. Social media such as Twitter and Facebook are cost-efficient methods of reaching wide audiences. Constant Contact is utilized to send email notifications of Ozone Alert Day declarations. In 2018, the MPO added a Spanish language translation for the Ozone Alert message. A text alert option launched in Spring 2019 and a new campaign 'Get in the #KNOWZONE' was launched in Spring 2020.

Public Fleet Conversion Grant Program

Congestion Mitigation and Air Quality (CMAQ) funds assigned to the ACOG MPO area provided funding for projects that entail fleet conversion to clean fuel technologies, the purchase of alternative fuel vehicles and hybrid vehicles, and/or the deployment of alternative fuel vehicle fueling and charging infrastructure. ACOG MPO member entities, public trusts and public authorities providing essential services to ACOG MPO member entities, public colleges and universities, public technical education centers, and public school districts located principally within the ACOG MPO boundary were eligible to participate.

The MPO issued a call for competitive project applications under its FY 2022 Public Fleet Conversion Grants process in October 2021 and four projects were awarded. City of Midwest City, City of Moore, City of Norman, and the Oklahoma Environmental Management Authority (OEMA) were awarded funding to defray costs related to the purchase of new compressed natural gas (CNG) vehicles and electric vehicle (EV) charging infrastructure. Funding for new alternative fuel vehicles, hybrid vehicles and advanced technology vehicles was limited to the incremental cost of those vehicles and required a minimum 20 percent local cost share with maximum 80 percent federal share. Grantees are required to remove older vehicles to be replaced by the purchase of new alternative fuel vehicles. Alternative fuel charging and fueling infrastructure also required a minimum 20 percent local share.

Electric Vehicle Adoption

The MPO through the Central Oklahoma Clean Cities program has prioritized electric vehicle charging station planning and technical assistance to take advantage of public and private sector investment in transportation electrification.

Oklahoma now has the fourth most electric vehicle fast charging stations (per capita) in the United States and in 2021 had the largest increase in EV sales as a percentage of light duty vehicle sales.

The MPO, through the Central Oklahoma Clean Cities program administers the Oklahoma Electric Vehicle Coalition, an informal working group of stakeholders addressing EV adoption opportunities and barriers.

Air Quality Small Grant Program

In 2014, the MPO launched a one-year pilot grant program to use CMAQ funds for small active transportation infrastructure and public education programs for the betterment of regional air quality. Based on feedback from member communities, ACOG relaunched the program in 2018, focusing on small transportation infrastructure projects and congestion relief efforts. Since 2018, ten projects have been awarded funding through a competitive grant process. Awarded projects include bicycle lanes, bicycle racks, and bus stops from Oklahoma City, Norman, Edmond, and Midwest City.

SPECIAL PROJECTS

Urban Tree Canopy Study

In 2019, ACOG partnered with the Oklahoma City Community Foundation (OCCF) and the Oklahoma Forestry Service on a regional tree canopy study. The study analyzed the urban tree canopy in Central Oklahoma and provided each agency with data to make informed decisions regarding various projects and programs. In 2023, ACOG began planning with OKC Beautiful, OCCF, and the Oklahoma Forestry Service, among other partners, on the development of an Urban Forestry Master Plan, which will build upon the 2019 Oklahoma City Metropolitan Area Tree Canopy Study. Regional Transportation Authority

For over ten years, ACOG helped guide regional commuter rail studies. In February 2019, six communities (Del City, Edmond, Midwest City, Moore, Norman, and Oklahoma City) signed a trust indenture officially forming the Regional Transportation Authority (RTA) of Central Oklahoma. ACOG continued to provide administrative, technical, and legal support to the newly formed organization until February 2020, when COTPA began providing administrative support for the organization. ACOG has continued to monitor and promote a regional commuter rail service and enhanced bus options.

Cost of Nonattainment Study/Regional Air Quality Plan

In FY 2022, ACOG completed a study on the potential regional economic impacts of an Environmental Protection Agency (EPA) ozone nonattainment designation. The analysis focused on the cost of regulatory requirements of a nonattainment designation including transportation conformity, facility emissions reductions, and an economic impact analysis. A Scoping Report was released in May 2020 and a full report was released in June 2022.

In FY 2023, staff developed a scope of work for a Regional Air Quality Plan. The purpose of the plan is to set goals and strategies for new and expanded emissions reductions efforts to keep the region in attainment of the NAAQS. An RFP for the plan was released on March 7, 2023, with the project expected to be completed in FY 2024.

TRANSPORTATION SERVICES FOR THE ELDERLY AND PERSONS WITH DISABILITIES

As required by the Americans with Disabilities Act, COTPA, City of Norman Transit, and Citylink provide paratransit services for Central Oklahoma's with a qualifying disability. ACOG, COTPA, the City of Norman, and Citylink continue to be involved in efforts to improve transportation choices for persons with disabilities and persons with low/moderate income.

Title VI/ADA

ACOG continued to include an accommodation statement (inclusive of all disabilities) on its monthly agendas. Staff created an email address specifically for Title VI and ADA inquiries and complaints. The following documents were updated in FY 2022: ADA/504 Compliance Plan, ADA Complaint Process and Form, Title VI Plan, Title VI Complaint Process and Form. Additionally, Title VI Assurances were reviewed and signed by ACOG's Executive Director. A translation notice was also created to inform on the availability of translated documents. ACOG maintained its website with all available Title VI, ADA, PPP, and EJ documents and forms. An accessibility plug-in called Userway was purchased and activated on ACOG's website which includes functions such as larger text, dyslexia friendly text, and contrasting colors.

PROGRAM SUPPORT AND ADMINISTRATION

Transportation Improvement Program

In FY 2018, ODOT, Oklahoma's MPOs, and FHWA coordinated to revise the STIP/TIP development procedures to ensure that the MPOs' and ODOT's transportation plans are updated every two years instead of three. Complying with the updated procedures, ACOG began developing a new TIP in FY 2023—the FFY 2024 - 2027 Transportation Improvement Program (TIP)

The FFY 2024-2027 TIP identified the region's priorities for expenditure of federal-aid transportation funds within the MPO area and incorporated transportation projects selected during the FY 2023 Call for Projects for STBG-UZA funding. The TIP document also incorporates language to reflect the federal performance-based planning and programming requirements. The FFY 2024-2027 TIP will go into effect in October 2023, after approval by ODOT and FHWA.

The FFY 2022-2025 Transportation Improvement Program, active until October 2023, was amended during FY 2023 to reflect local projects. For each amendment, financial constraint was maintained, and opportunity for public comment was provided. All amendments were adopted by the MPO and submitted to ODOT for approval and amendment of the STIP.

MPO staff continued to implement 'ProjectTracker,' an electronic Transportation Improvement Program system, or database, for electronic submission of STBG project applications and project monitoring. ODOT has adopted a similar system for state-sponsored projects.

Public Involvement Program

The *ACOG Public Participation Plan (PPP)* guided public involvement activities related to the Metropolitan Transportation Plan, the Transportation Improvement Program, and other transportation planning activities.

The MPO continued to utilize media releases, newsletters, and e-news releases distributed to ACOG's social media suite. During the development of Encompass 2045, staff created a Stakeholder Advisory Group to inform and receive feedback on the MTP. Staff provided information to stakeholders and the public about the transportation planning process through ACOG's website, blog, social media, virtual engagement events, and online surveys. The MPO utilized visualization techniques in all presentations, including PowerPoint presentations, maps, charts, pictures, and other graphics. MPO staff continued their involvement in several regional outreach events, including GIS Day at the State Capitol, OKSCAUG, and National Bike Month/Bike to Work Day.

MPO Coordination

In FY 2023, MPO staff attended the MPO Quarterly Coordination meetings and State Transportation Innovation Council, organized by ODOT. MPO staff also coordinated with ODOT on the Road User Charge Task Force, National Electric Vehicle Infrastructure program, Alternative Fuel Corridor nominations, Oklahoma Active Transportation Plan, Route 66 U.S. Bike Route designation, and ACOG awarded transportation project delivery.

Transportation Management Area Boundary Analysis

In FY 2023, ACOG staff completed the Transportation Management Area (TMA) Boundary Analysis. Based on the 2020 Census data, MPO staff recommended leaving the TMA boundary as is, without expanding to include additional areas. The results of the study were presented to the ACOG MPO Technical and Policy Committees for review. On April 27, 2023, the ACOG MPO Policy Committee voted to add portions of Canadian County, including the cities of El Reno, Union City, and a part of Calumet, to the ACOG MPO Transportation Management Area (TMA).

Quadrennial Certification Review

MPO staff completed the **seventh** joint evaluation of the Central Oklahoma transportation planning process, conducted by FHWA and FTA, in October 2020. In FY 2021, FHWA and FTA issued their final report jointly certifying that the transportation planning process substantially meets the requirements of 23 CFR Part 450.336.

Technical Assistance

The MPO continues to provide considerable technical assistance to its member local governments, private consultants working for local staff, other agencies, non-profits, and the public.

PART 5: FY 2024 UNIFIED PLANNING WORK PROGRAM BUDGET

The Federal Highway planning transportation funds are provided at an 80 percent federal share. A local share of 20 percent must be provided in order to leverage these federal funds. This local non-federal match can provide a heavy burden on ACOG MPO members. Since 2007, ACOG MPO members have been allowed to use ODOT staff time as non-federal match. The staff time is for transportation work completed by ODOT in the ACOG MPO area. The non-federal match information can be found on Table 5-2.

FY 2024 UPWP

**TABLE 5-1a
EXPECTED PLANNING FUNDS**

| Funding Sources | Allocation | Match | Total |
|--------------------|--------------------|------------------|--------------------|
| FHWA (PL) | \$2,219,362 | \$554,843 | \$2,774,205 |
| FHWA (SS4A) | \$192,000 | \$48,000 | \$240,000 |
| FTA 5303 | \$587,894 | \$141,974 | \$729,868 |
| FTA 5307 | \$545,463 | \$136,366 | \$681,829 |
| ODOT (FHWA-SPR) | \$40,000 | \$0 | \$40,000 |
| LOCAL | \$0 | \$0 | \$0 |
| GRAND TOTAL | \$3,584,719 | \$881,183 | \$4,465,902 |

**TABLE 5-1b
PLANNING FUND DISTRIBUTION**

| Source | ACOG | OKC TM | NORMAN & COTPA & CITYLINK | SUB. ENT. | ODOT | TOTAL |
|--------------------|--------------------|------------------|---------------------------|-----------------|-----------------|--------------------|
| FHWA (PL) | \$2,038,402 | \$134,760 | \$0 | \$46,200 | \$0 | \$2,219,362 |
| FHWA (SS4A) | \$192,000 | \$0 | \$0 | \$0 | \$0 | \$192,000 |
| FTA 5303 | \$47,894 | \$0 | \$540,000 | \$0 | \$0 | \$587,894 |
| FTA 5307 | \$0 | \$0 | \$545,463 | \$0 | \$0 | \$545,463 |
| ODOT (FHWA-SPR) ** | \$0 | \$0 | \$0 | \$0 | \$40,000 | \$40,000 |
| LOCAL TRANSIT | \$0 | \$0 | \$266,366 | \$0 | \$0 | \$266,366 |
| LOCAL ACOG | \$569,577 | \$0 | \$0 | \$0 | \$0 | \$569,577 |
| LOCAL ENTITIES | \$0 | \$33,690 | \$0 | \$11,550 | \$0 | \$45,240 |
| ODOT ITS FUNDING | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| GRAND TOTAL | \$2,847,873 | \$168,450 | \$1,351,829 | \$57,750 | \$40,000 | \$4,465,902 |

OKC TM = Oklahoma City Traffic Management
 COTPA = Central Oklahoma Transportation and Parking Authority
 Norman = Norman Transit
 SUB.ENT.= Choctaw, Edmond, Midwest City, Moore, and Norman
 LOCAL = PL/FTA/CMAQ

** ODOT and FHWA State Planning & Research (SPR) funding for Transportation Planning Assistance

TABLE 5-2
 FY 2024 UPWP
 ACOG PARTICIPATION

| No. | Task Description | FEDERAL FUNDS | | | | | LOCAL MATCH | | | | | | TOTAL FUNDS | | | ACOG Subtotal |
|-----|-----------------------|---------------|----------------|------------|---------------------|---------------|---------------|----------------|------------|--------------|---------------|-------------|-------------|----------|-----------|---------------|
| | | FHWA-PL (80%) | FTA 5303 (80%) | SS4A (80%) | Total Federal (80%) | FHWA-PL Total | FHWA-PL (20%) | FTA 5303 (20%) | SS4A (20%) | ODOT Special | FHWA PL Local | Total Local | FHWA-PL | FTA 5303 | SS4A | |
| 101 | Monitor Soec. Data | \$110,394 | | | \$110,394 | \$110,394 | \$27,599 | | | \$27,603 | \$27,599 | \$27,599 | \$137,993 | | | \$137,993 |
| 102 | Trans. Planng. Data | \$116,276 | | | \$116,276 | \$116,276 | \$29,069 | | | \$29,074 | \$29,069 | \$29,069 | \$145,345 | | | \$145,345 |
| 103 | Census & GIS | \$125,646 | | | \$125,646 | \$125,646 | \$31,412 | | | \$31,417 | \$31,412 | \$31,412 | \$157,058 | | | \$157,058 |
| | Subtotal | \$352,316 | | | \$352,316 | \$352,316 | \$88,080 | | | \$88,094 | \$88,080 | \$88,080 | \$440,396 | | | \$440,396 |
| 201 | Long Range Plan | \$138,263 | | | \$138,263 | \$138,263 | \$34,566 | | | \$34,572 | \$34,566 | \$34,566 | \$172,829 | | | \$172,829 |
| 202 | Short Range Plan | \$58,880 | | | \$58,880 | \$58,880 | \$14,720 | | | \$14,723 | \$14,720 | \$14,720 | \$73,600 | | | \$73,600 |
| 203 | Congestion Mgt | \$529,905 | | \$192,000 | \$721,905 | \$529,905 | \$132,476 | | \$48,000 | \$132,500 | \$132,476 | \$180,476 | \$662,381 | | \$240,000 | \$902,381 |
| 204 | E and D Plan | | \$47,894 | | \$47,894 | | \$0 | \$11,974 | | \$0 | \$0 | \$11,974 | | \$59,868 | | \$59,868 |
| 205 | Air Quality* | \$468,599 | | | \$468,599 | \$468,599 | \$117,150 | | | \$117,171 | \$117,150 | \$117,150 | \$585,749 | | \$0 | \$585,749 |
| | Subtotal | \$1,195,647 | \$47,894 | \$192,000 | \$1,435,541 | \$1,195,647 | \$298,912 | \$11,974 | \$48,000 | \$298,966 | \$298,912 | \$358,886 | \$1,494,559 | \$59,868 | \$240,000 | \$1,794,427 |
| 301 | Citizen Participation | \$98,291 | | | \$98,291 | \$98,291 | \$24,573 | | | \$24,577 | \$24,573 | \$24,573 | \$122,864 | | | \$122,864 |
| | Subtotal | \$98,291 | | | \$98,291 | \$98,291 | \$24,573 | | | \$24,577 | \$24,573 | \$24,573 | \$122,864 | | | \$122,864 |
| 401 | Certification/Coord. | \$133,606 | | | \$133,606 | \$133,606 | \$33,402 | | | \$33,407 | \$33,402 | \$33,402 | \$167,008 | | | \$167,008 |
| 402 | Technical Assist. | \$16,088 | | | \$16,088 | \$16,088 | \$4,022 | | | \$4,023 | \$4,022 | \$4,022 | \$20,110 | | | \$20,110 |
| | Subtotal | \$149,694 | | | \$149,694 | \$149,694 | \$37,424 | | | \$37,430 | \$37,424 | \$37,424 | \$187,118 | | | \$187,118 |
| 501 | Staff Training | \$35,845 | | | \$35,845 | \$35,845 | \$8,961 | | | \$8,963 | \$8,961 | \$8,961 | \$44,806 | | | \$44,806 |
| 502 | Annual Report/Doc. | \$73,090 | | | \$73,090 | \$73,090 | \$18,273 | | | \$18,276 | \$18,273 | \$18,273 | \$91,363 | | | \$91,363 |
| | Subtotal | \$108,935 | | | \$108,935 | \$108,935 | \$27,234 | | | \$27,239 | \$27,234 | \$27,234 | \$136,169 | | | \$136,169 |
| 601 | Direct Proj.Mgt. | \$133,519 | | | \$133,519 | \$133,519 | \$33,380 | | | \$33,386 | \$33,380 | \$33,380 | \$166,899 | | | \$166,899 |
| | Subtotal | \$133,519 | | | \$133,519 | \$133,519 | \$33,380 | | | \$33,386 | \$33,380 | \$33,380 | \$166,899 | | | \$166,899 |
| | Total | \$2,038,402 | \$47,894 | \$192,000 | \$2,278,296 | \$2,038,402 | \$509,603 | \$11,974 | \$48,000 | \$509,692 | \$509,603 | \$569,577 | \$2,548,005 | \$59,868 | \$240,000 | \$2,847,873 |

**TABLE 5-3
FY 2024 UPWP
OKLAHOMA CITY TRAFFIC MANAGEMENT**

| No. | Task Description | FEDERAL FUNDS | | | LOCAL MATCH | | | | TOTAL FUNDS | | | OKC TM Subtotal |
|--------------|-----------------------|------------------|----------|----------|-----------------|----------|----------|-----------------|------------------|----------|----------|------------------|
| | | PL | FTA 5303 | FTA 5307 | PL | FTA 5303 | FTA 5307 | Total Local | PL | FTA 5303 | FTA 5307 | |
| 101 | Monitor Soec. Data | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 102 | Trans. Planng. Data | \$121,000 | 0 | 0 | \$30,250 | 0 | 0 | \$30,250 | \$151,250 | 0 | 0 | \$151,250 |
| 103 | Census & Geo. In. Sys | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Subtotal | | \$121,000 | 0 | 0 | \$30,250 | 0 | 0 | \$30,250 | \$151,250 | 0 | 0 | \$151,250 |
| 201 | Long Range Plan | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 202 | Short Range Plan | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 203 | Congestion Mgt | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 204 | E and D Plan | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 205 | Air Quality | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Subtotal | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 301 | Citizen Part. System | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Subtotal | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 401 | Certification/Coord. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 402 | Technical Assist. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Subtotal | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 501 | Staff Training | \$7,680 | 0 | 0 | \$1,920 | 0 | 0 | \$1,920 | \$9,600 | 0 | 0 | \$9,600 |
| 502 | Annual Report/Doc. | \$6,080 | 0 | 0 | \$1,520 | 0 | 0 | \$1,520 | \$7,600 | 0 | 0 | \$7,600 |
| Subtotal | | \$13,760 | 0 | 0 | \$3,440 | 0 | 0 | \$3,440 | \$17,200 | 0 | 0 | \$17,200 |
| 601 | Direct Proj.Mgt. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Subtotal | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | | \$134,760 | 0 | 0 | \$33,690 | 0 | 0 | \$33,690 | \$168,450 | 0 | 0 | \$168,450 |

**TABLE 5-4
FY 2024 UPWP
COTPA**

| No. | Task Description | Federal Funds | | | | Local Match | | | | Total Funds | | | |
|--------------|------------------------|----------------|----------------|-----------|-------------|-------------|-----------------|-----------|------------|----------------|----------------|-----------|--------------|
| | | FTA 5307-Staff | RAISE-Studies* | FTA 5303 | TOTAL | 5307-Staff | RAISE -Studies* | FTA 5303 | TOTAL | FTA 5307-Staff | RAISE-Studies* | FTA 5303 | TOTAL |
| 101 | Monitor Socioeconomic | \$ - | | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 102 | Trans. Planning Data | \$ 17,971 | | | \$ 17,971 | \$ 4,493 | \$ - | \$ - | \$ 4,493 | \$ 22,464 | \$ - | \$ - | \$ 22,464 |
| 103 | Census & Geo. In. Sys. | \$ - | | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Subtotal | | \$ 17,971 | \$ - | \$ - | \$ 17,971 | \$ 4,493 | \$ - | \$ - | \$ 4,493 | \$ 22,464 | \$ - | \$ - | \$ 22,464 |
| 201 | Long Range Plan | \$ 74,515 | \$685,000 | | \$ 759,515 | \$ 18,629 | \$171,250 | \$ - | \$ 189,879 | \$ 93,144 | \$856,250 | \$ - | \$ 949,394 |
| 202 | Short Range Plan | \$294,865 | | \$490,000 | \$ 784,865 | \$ 73,716 | \$ - | \$122,500 | \$ 196,216 | \$ 368,581 | \$ - | \$612,500 | \$ 981,081 |
| 203 | Congestion Mgt | \$ - | | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 204 | E and D Plan | \$ 41,567 | | | \$ 41,567 | \$ 10,392 | \$ - | \$ - | \$ 10,392 | \$ 51,959 | \$ - | \$ - | \$ 51,959 |
| 205 | Air Quality | \$ - | | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Subtotal | | \$410,947 | \$685,000 | \$490,000 | \$1,585,947 | ##### | \$171,250 | \$122,500 | \$396,487 | \$ 513,684 | \$856,250 | \$612,500 | \$ 1,982,434 |
| 301 | Citizen Part. System | \$ - | | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Subtotal | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 401 | Certification/Coord. | \$ 24,928 | | | \$ 24,928 | \$ 6,232 | \$ - | \$ - | \$ 6,232 | \$ 31,160 | \$ - | \$ - | \$ 31,160 |
| 402 | Technical Assist. | \$ - | | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Subtotal | | \$ 24,928 | \$ - | \$ - | \$ 24,928 | \$ 6,232 | \$ - | \$ - | \$ 6,232 | \$ 31,160 | \$ - | \$ - | \$ 31,160 |
| 501 | Staff Training | \$ 1,617 | | | \$ 1,617 | \$ 404 | \$ - | \$ - | \$ 404 | \$ 2,021 | \$ - | \$ - | \$ 2,021 |
| 502 | Annual Report/Doc. | \$ - | | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Subtotal | | \$ 1,617 | \$ - | \$ - | \$ 1,617 | \$ 404 | \$ - | \$ - | \$ 404 | \$ 2,021 | \$ - | \$ - | \$ 2,021 |
| 601 | Direct Proj.Mgt. | \$ - | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Subtotal | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Total | | \$455,463 | \$685,000 | \$490,000 | \$1,630,463 | \$113,866 | \$171,250 | \$122,500 | \$ 407,616 | \$569,329 | \$856,250 | \$612,500 | \$2,038,079 |

TABLE 5-5
FY 2024 UPWP
City of Norman (CON)

| No. | Task Description | FEDERAL FUNDS | | | LOCAL MATCH | | | TOTAL FUNDS | | |
|--------------|----------------------|-----------------|-----------------|------------------|-----------------|-----------------|-----------------|-----------------|------------------|------------------|
| | | FTA 5303 | FTA 5307 | Total FTA | FTA 5303 Local | 5307 Local | Total Local | FTA 5303 | FTA 5307 | CON |
| 101 | Monitor Socio. Data | 0 | \$0 | \$0 | 0 | \$0 | \$0 | 0 | \$0 | \$0 |
| 102 | Trans. Planning Data | 0 | \$22,000 | \$22,000 | 0 | \$5,500 | \$5,500 | 0 | \$27,500 | \$27,500 |
| 103 | Census & GIS | 0 | \$0 | \$0 | 0 | \$0 | \$0 | 0 | \$0 | \$0 |
| Subtotal | | 0 | \$22,000 | \$22,000 | 0 | \$5,500 | \$5,500 | 0 | \$27,500 | \$27,500 |
| 201 | Long Range Plan | 0 | \$21,000 | \$21,000 | 0 | \$5,250 | \$5,250 | 0 | \$26,250 | \$26,250 |
| 202 | Short Range Plan | \$50,000 | \$35,000 | \$85,000 | \$12,500 | \$8,750 | \$21,250 | \$62,500 | \$43,750 | \$106,250 |
| 203 | Congestion Mgt | 0 | \$0 | \$0 | 0 | \$0 | \$0 | 0 | \$0 | \$0 |
| 204 | E and D Plan | 0 | \$2,000 | \$2,000 | 0 | \$500 | \$500 | 0 | \$2,500 | \$2,500 |
| 205 | Air Quality | 0 | \$2,000 | \$2,000 | 0 | \$500 | \$500 | 0 | \$2,500 | \$2,500 |
| Subtotal | | \$ 50,000 | \$60,000 | \$110,000 | \$12,500 | \$15,000 | \$27,500 | \$62,500 | \$75,000 | \$137,500 |
| 301 | Citizen Part. System | 0 | \$3,000 | \$3,000 | 0 | \$750 | \$750 | 0 | \$3,750 | \$3,750 |
| Subtotal | | 0 | \$3,000 | \$3,000 | 0 | \$750 | \$750 | 0 | \$3,750 | \$3,750 |
| 401 | Certification/Coord. | 0 | \$0 | \$0 | 0 | \$0 | \$0 | 0 | \$0 | \$0 |
| 402 | Technical Assist. | 0 | \$0 | \$0 | 0 | \$0 | \$0 | 0 | \$0 | \$0 |
| Subtotal | | 0 | \$0 | \$0 | 0 | \$0 | \$0 | 0 | \$0 | \$0 |
| 501 | Staff Training | 0 | \$5,000 | \$5,000 | 0 | \$1,250 | \$1,250 | 0 | \$6,250 | \$6,250 |
| 502 | Annual Report/Doc. | 0 | \$0 | \$0 | 0 | \$0 | \$0 | 0 | \$0 | \$0 |
| Subtotal | | 0 | \$5,000 | \$5,000 | 0 | \$1,250 | \$1,250 | 0 | \$6,250 | \$6,250 |
| 601 | Direct Proj.Mgt. | 0 | \$0 | \$0 | 0 | \$0 | \$0 | 0 | \$0 | \$0 |
| Subtotal | | 0 | \$0 | \$0 | 0 | \$0 | \$0 | 0 | \$0 | \$0 |
| Total | | \$50,000 | \$90,000 | \$140,000 | \$12,500 | \$22,500 | \$35,000 | \$62,500 | \$112,500 | \$175,000 |

TABLE 5-6
 FY 2024 UPWP
 SUBURBAN ENTITIES

| No. | Task Description | FEDERAL FUNDS | | | LOCAL MATCH | | | | TOTAL FUNDS | | | Suburban Entities Subtotal |
|-----|----------------------|---------------|----------|----------|-------------|----------|----------|-------------|-------------|----------|----------|----------------------------|
| | | PL | FTA 5303 | FTA 5307 | PL | FTA 5303 | FTA 5307 | Total Local | PL | FTA 5303 | FTA 5307 | |
| 102 | Trans. Planning Data | | | | | | | | | | | |
| | Choctaw | \$6,800 | 0 | 0 | \$1,700 | 0 | 0 | \$1,700 | \$8,500 | 0 | 0 | \$8,500 |
| | Edmond | \$9,800 | 0 | 0 | \$2,450 | 0 | 0 | \$2,450 | \$12,250 | 0 | 0 | \$12,250 |
| | Midwest City | \$6,800 | 0 | 0 | \$1,700 | 0 | 0 | \$1,700 | \$8,500 | 0 | 0 | \$8,500 |
| | Moore | \$6,800 | 0 | 0 | \$1,700 | 0 | 0 | \$1,700 | \$8,500 | 0 | 0 | \$8,500 |
| | Norman | \$16,000 | 0 | 0 | 4,000 | 0 | 0 | 4,000 | \$20,000 | 0 | 0 | \$20,000 |
| | Total | \$46,200 | 0 | 0 | \$11,550 | 0 | 0 | \$11,550 | \$57,750 | 0 | 0 | \$57,750 |

PART 6: ELEMENT AND TASK DESCRIPTIONS

ELEMENT #1: DATA DEVELOPMENT AND INFORMATION MANAGEMENT

This element is designed to provide a systematic framework for maintaining, developing, coordinating, integrating, and supporting an areawide urban/regional data management information system. In order to accomplish this, ACOG staff will continue coordination with various federal, state, and local agencies including the U.S. Census Bureau, U.S. Department of Transportation, Environmental Protection Agency, Oklahoma Department of Transportation, Oklahoma Department of Environmental Quality, and Oklahoma Department of Commerce, for acquisition and analysis of socioeconomic, demographic, and transportation data.

This element produces a continuing inventory of land use, demographic, employment, and travel data, as well as transportation and transit facilities to assist with monitoring and analyzing changes within the region.

Tasks Included:

[1.01 - Demographic/Socioeconomic Data Monitoring](#)

[1.02 - Transportation Planning Data Management](#)

[1.03 - Geographic Information System Improvements and Census Geography](#)

[1.04 - Transportation Planning Assistance - Oklahoma Department of Transportation](#)

Task 1.01: Demographic/Socioeconomic Data Monitoring

Background Information

A primary function of the MPO is the calibration and application of a regional land use distribution model for the use in the Metropolitan Transportation Plan (MTP). This requires substantial data inputs including base year and forecast year land use, population, employment, dwelling units, and school enrollment within the ACOG MPO area. The regional population and employment forecasts generated by the land use model are critical to the MPO's ability to plan for future traffic congestion.

On April 27, 2023, the ACOG MPO Policy Committee voted to add portions of Canadian County, including the cities of El Reno, Union City, and a part of Calumet, to the ACOG MPO Transportation Management Area (TMA). FY 2024 tasks related to this expansion include developing base and future year socioeconomic data and developing traffic analysis zones (TAZs).

Program Objective

Prepare for the 2050 Metropolitan Transportation Plan (MTP).

Program Activities (all activities to be conducted by ACOG)

1. Collect 2020 base year population data for the newly added portions of ACOG MPO TMA.
2. Complete 2020 base year employment data. Develop base year employment data for the newly added portions of ACOG MPO TMA. Begin developing 2050 employment forecasts.
3. Begin the development of school data for the 2020 base year, which will be used in the development of the 2050 land use scenarios.
4. Continue updating the present land use to 2020. Track local land use developments and comprehensive plans for CY 2023 and 2024. Collect building permit data for CY 2022 and CY 2023. Develop land use for the newly added portions of ACOG MPO TMA.
5. Explore methodologies for use with the 2050 land use scenarios.
6. Finalize the 2020 Urban Area Boundary analysis. The process included smoothing out geographic irregularities, maintaining administrative continuity, and incorporating fringe areas having residential, commercial, and/or industrial significance, as well as adding portions of Canadian County, including the cities of El Reno, Union City, and a part of Calumet, to the ACOG MPO TMA as desired by the ACOG MPO Policy Committee and ACOG Board of Directors.
7. Provide data, as needed, to project sponsors regarding social, demographic, economic, and environmental impacts of major transportation projects. Assist member communities with the development of local plans and studies.
8. Continue to monitor census products that can be used in model development. Provide census materials and workshops to area members, as needed. Promote annual census programs to members (ACS, BAS). Provide 2020 decennial census products to member entities.

End Product

Technical memoranda and reports documenting program activities, including:

- 1.01 (1-4) – 2020 Base Data Report(s)
 - Population
 - Employment
 - School Enrollment
 - Land Use
- 1.01 (6) – Transportation Management Area Boundary Analysis Report

Task 1.02: Transportation Planning Data Management

Background Information

Transportation planning data is collected every year and compiled in various transportation files at ACOG. Information is placed in new formats, and programs are revised as needed in order to allow greater flexibility and broader reviews of the subject matter.

Program Objective

Collect, maintain, update, and evaluate information that is basic to the transportation planning process regarding current travel and system characteristics, and utilize such information for the assessment of transportation system performance and for forecasting regional travel demand. Data collected is also used to provide a statistical foundation for the identification and prioritization of projects included in the Transportation Improvement Program (TIP).

Program Activities

1. Traffic Count Program
 - a. ACOG will compile traffic counts taken by the Oklahoma Department of Transportation (ODOT), Oklahoma City Traffic Management (OKC TM), and the cities of Edmond, Midwest City, Moore, Norman, and Choctaw on key links on the ACOG MPO model network yearly or on a rotational basis over a two-year period. Annual counts will be collected for a select number of locations. Participating entities will continue to upload volume, speed, and classification data directly into a hosted, central database available online at acog.ms2soft.com.
 - b. ACOG will explore the inclusion of seasonal adjustment factors to ensure the reliability of regional traffic count data. Emphasis on sharing traffic count and transportation system data between the various entities as well as the general public will continue. (ODOT, ACOG, OKC Traffic Management, Edmond, Midwest City, Moore, Norman, and Choctaw)
 - c. ACOG will collect bicycle and pedestrian counts taken by participating entities and will continue to loan ACOG-owned counters to local municipalities. ACOG will continue to upload regional bicycle and pedestrian count data to the ACOG website.
2. Management Systems (ACOG)
 - a. ACOG will continue to work cooperatively with ODOT, affected governmental entities, and private sector groups in the development of the pavement, bridge, and safety management systems, and the congestion management process, as well as the highway performance monitoring system (HPMS).
 - b. ACOG will continue to provide traffic counts and lane-width information from the ACOG traffic count database and transportation model to ODOT for the HPMS.
 - c. ACOG will continue to maintain its electronic Transportation Improvement Program system (e-TIP), known as ProjectTracker (previously known as eTRACKER), which provides user-friendly, comprehensive, and efficient tools for managing Transportation Improvement Programs (TIP). ACOG will also work with ODOT on the implementation of their electronic Statewide Transportation Improvement Program (e-STIP).

3. Travel Time Analysis (ACOG)

- a. Utilize the National Performance Management Research Data Set (NPMRDS) for the Enhanced NHS within Central Oklahoma to monitor and analyze system performance and congestion.
- b. Include Travel Time Analysis results in the performance measure monitoring report completed by ACOG (see Task 2.03).
- c. Continue to access additional sources for speed/travel time data provided by ODOT or purchased by ACOG.

4. Transit Database and Network Reporting

- a. COTPA, Norman-Transit, and Citylink will collect and analyze ridership data for directly operated and purchased transportation services monthly; ridership figures will be reported to the National Transit Database (NTD) as required. Ridership data by route will be provided to ACOG annually to assist with modeling efforts. (COTPA, Norman-Transit)
- b. COTPA continues to publish and maintain static and LIVE GTFS data feeds to reflect edits and changes made in the transit system for both transit services in Oklahoma City and Norman. Financial data is continually monitored for accurate functional allocation for all reporting modes. (COTPA, Norman-Transit)

End Product

Computerized database files. Technical memoranda and reports as required, documenting the findings and analysis of data collected under these program activities, including:

- 1.02 (1a) – Traffic Counts Data Collection reports (Choctaw, Edmond, Midwest City, Moore, Norman, Oklahoma City TM)
- 1.02 (1c) – CY 2023 Bicycle and Pedestrian Count Data Collection report
- 1.02 (4) – Annual National Transit Data Reports to FTA (COTPA, Norman-Transit, Citylink)

Task 1.03: Geographic Information System (GIS) Improvements and Census Geography

Program Objectives

Maintain an accurate geographic information system (GIS) of all data relevant to the regional transportation planning process, including but not limited to the street network, transportation projects, functional class, bicycle/pedestrian facilities, crash data, traffic counts, traffic congestion and corridors, parks and open space, administrative boundaries, land use data, parcels, transit routes, and regional snow routes. Provide GIS products and support for members through user friendly and innovative technologies.

Program Activities (all activities to be conducted by ACOG)

1. Maintain an accurate inventory of transportation planning related geographic data sets using a centralized geodatabase. Develop and apply GIS metadata and other standards.
2. Provide data and maps in multiple formats for requesting entities. Produce maps and data for regional transportation plans and planning efforts.
3. Provide regional coordination and support for GIS data collection and mapping projects.
4. Continue the process of integrating county parcel data with land use data.
5. Provide regional coordination for digital aerial sharing and planning. Start planning for 2024 aerial coordination and collection with local members.
6. Continue exploring and implementing future GIS and mapping capabilities for ACOG and member entities (e.g., ArcGIS Online, Cloud GIS, etc.).
7. Continue publishing transportation mapping products from ACOG's long-range and short-range programs on ArcGIS Online and provide data to ACOG's members as requested.

End Product

GIS products (data inventories and maps) and aerial photography available for ACOG planning efforts, technical assistance for members, and public access.

Task 1.04: Transportation Planning Assistance - Oklahoma Department of Transportation (ODOT)

Program Objectives

The Oklahoma Department of Transportation (ODOT) will provide administrative, technical, and policy guidance and assistance related to the successful completion of the urban transportation planning work activities itemized in this UPWP.

Program Activities (all activities to be conducted by ODOT)

1. Urban Transportation Planning Process

The Oklahoma Department of Transportation will provide a liaison, maintain information flows, and provide technical assistance for the maintenance of an effective continuous, comprehensive, and cooperative urban transportation planning process in the ACOG MPO area.

2. Computer Support

ODOT's GIS Data Portal and ArcGIS Online systems are available for ACOG to access GIS data collected and maintained by ODOT.

End Product

Urban transportation planning, technical, and computer support and services for the successful implementation of the FY 2024 UPWP.

ELEMENT #2: REGIONAL TRANSPORTATION PLANNING

This activity involves the maintenance and refinement of the long-range and short-range transportation planning processes. Work areas include tasks to develop, maintain, and refine the methodology for reevaluation and update of proposed transportation systems and subsystems. Multimodal travel forecasting models and traffic management strategies will be used in order to improve the system of integrated regional transportation planning. Included is the maintenance of a four-year Transportation Improvement Program (TIP) serving as the short-range implementation tool for the region's long-range, metropolitan transportation plan (MTP).

Tasks Included:

[2.01 - Long-Range Transportation Planning](#)

[2.02 - Short-Range Transportation Planning](#)

[2.03 - System Performance and Congestion Management](#)

[2.04 - Mobility and Public Transportation Planning](#)

[2.05 - Air Quality Planning](#)

Task 2.01: Long-Range Transportation Planning

Background Information

The Infrastructure Investment and Jobs Act (IIJA) (P.L. 117-58, also known as the Bipartisan Infrastructure Law or BIL), was signed into law on November 15, 2021, authorizing federal highway, highway safety, transit, and rail programs for five years from federal fiscal year (FFY) 2022 through 2026. Under the law, Oklahoma is expected to receive approximately \$4.6 billion over five years in Federal highway formula funding for highways and bridges, approximately \$29 million in Section 402 formula funding for highway safety programs, \$349 million in transit improvement funding, and \$66 million to support the expansion of an EV charging network in the state. The law also includes competitive grant programs that could bring additional dollars to the state and region.

In the IIJA, metropolitan and statewide transportation planning processes are extended, including the performance-based planning and programming requirements of MAP-21 and the FAST Act. Requirements for long-range metropolitan transportation plans (MTP) and short-term transportation improvement programs (TIP) continue, and public involvement remains a hallmark of the planning process.

Federal guidelines require a continuing, comprehensive, and coordinated (3C) transportation planning process in metropolitan areas and states. The IIJA retained the MAP-21/FAST Act planning factors that must be considered in the development of metropolitan plans and programs. The IIJA also continued the emphasis on financial feasibility and consideration of social and environmental impacts of transportation decisions.

Encompass 2045, the current long-range plan for the ACOG MPO area, was adopted by the ACOG MPO Policy Committee in November 2021. The ACOG MPO area is an air quality attainment area, and therefore the metropolitan transportation plan update for Central Oklahoma is required every five years.

Program Objective

Develop and implement the intermodal long-range transportation plan for the ACOG MPO area in compliance with the requirements of the IIJA and any subsequent federal guidance. Continue data collection and analysis required for the development of the next long-range plan. Develop and enhance modeling tools in order to accurately estimate and forecast travel patterns.

Program Activities

1. Ensure compliance with guidance issued by the Federal Transit and Federal Highway Administrations that implements the IIJA and any future surface transportation legislation, particularly regarding metropolitan and statewide planning requirements. (ACOG)
2. Evaluate requests to amend the current long-range, Metropolitan Transportation Plan (MTP) in accordance with the ACOG amendment procedures, current surface transportation legislation requirements, financial constraint, public involvement, and any applicable conformity guidelines promulgated under the 1990 Clean Air Act Amendments. Any proposed amendments to the adopted plan shall include consideration of the planning factors, review of mobility benefits and burdens to different socioeconomic groups, the adopted Public Participation Plan (see Task 3.01), regional performance measures (see Task 2.03), and financial capacity to implement such plan amendments. (ACOG)
3. Finalize 2045 Plan-related reports. (ACOG)
4. Compile and maintain long-range data on roadway, transit, bicycle and pedestrian modes, and on freight movement and airport access within the ACOG MPO area. Evaluate the projects and recommendations included in the 2045 Plan for improving multimodal and intermodal (transit, bicycle, pedestrian, freight movement) travel and goods movement within the ACOG MPO area. (ACOG)

5. Review and evaluate the process and factors that were considered in the development of Encompass 2045 to begin preparing for the 2050 Plan. Create a development timeline for the 2050 Plan. (ACOG)
6. Implement, monitor, and promote the Regional Active Transportation Plan, which evaluates and updates the previous ACOG MPO Bicycle Master Plan and Pedestrian Master Plan. (ACOG)

This task helps fulfill the 2.5 percent Complete Streets Standards and Policies for PL funds requirement (BIL § 11206(b)).

7. In order to ensure the reliability and responsiveness of forecasting tools, the MPO will continue implementation of a transportation model improvement program (TMIP) to provide for the maintenance of the ACOG MPO model network. ACOG will explore updating the regional travel demand model (TDM), focusing on enhancing the multimodal (transit, bicycle, and pedestrian) component of the existing model. (ACOG)
8. Coordinate with ODOT on possible future plans, including: State Highway-Rail Grade Crossing Action Plan, Statewide Rail Plan, Freight Transportation Plan, Strategic Highway Safety Plan, Active Transportation Plan, Carbon Reduction Strategy, and Electric Vehicle Infrastructure Deployment Plan. Share information and assist as needed in processing amendments to the MTP the ACOG MPO TIP, and federal functional classification system. Coordinate with ODOT on their statewide transportation modeling effort. (ACOG, ODOT)
9. Coordinate with the Oklahoma Turnpike Authority (OTA) and track and model, as needed, OTA-sponsored improvements to the regional network. (ACOG)
10. Emerging Transportation System Issues (ACOG)
 - a. Monitor advances in transportation system technology, including but not limited to connected and autonomous vehicles (CAVs), on-demand ride services, unmanned aircraft systems, and flexible goods movement. Staff will assist ACOG MPO transportation committees, local governments, COTPA, Norman-Transit, Citylink, state and federal agencies, and the private sector in preparing for local adoption. ACOG will research the impacts CAVs and other technological changes will have on the transportation system and their impacts on social and economic trends including public safety, workforce development, energy use, and air quality.
 - b. Coordinate with regional partners to continue to utilize the 2019 Oklahoma City Metropolitan Area Tree Canopy Study and begin coordinating for an update to the study. Integrate data collected during the study into the metropolitan planning process, including: 2050 Plan and land use scenarios, resiliency efforts, livability and complete streets initiatives, and advanced regional air quality analysis and planning. ACOG will continue to provide member communities with access to the tree survey data to assist in local planning efforts. Explore opportunities with area stakeholders on the creation of an Urban Forestry Master Plan.
 - c. Coordinate with ODOT on development and implementation of potential solutions to long-term transportation system funding gap related to decreasing revenue from fixed excise taxes on motor fuel. Potential solutions identified in ODOT's 2020-2045 Oklahoma Long Range Transportation Plan include: electric vehicle fees, indexing motor fuel taxes to inflation, and VMT fees/Road User Charges (RUC). Coordinate with ODOT on development and implementation of Fair Miles Oklahoma, a statewide RUC pilot project.

11. Long Range Transit Planning (COTPA)
 - a. COTPA Long Range Transit Plan Implementation:
 - Continue to plan for and/or implement smaller-scale elements of the 2001 COTPA Long Range Transit Plan (LRTP). COTPA included updates to the 2001 COTPA

L RTP in the MAPS4 proposition. Staff will begin preparing for an update to the COTPA L RTP in coordination with MAPS, ACOG, RTA, and ODOT. The project is primarily funded by MAPS. The MAPS office will serve as project managers with input from stakeholders. Staff anticipates a project kick off by the end of the fiscal year.

- COTPA will continue the implementation of the “COTPA Five-Year Board Initiatives” adopted on September 2, 2016.

b. COTPA Regional Fixed Guideway Systems Planning

Continue to advance the recommendations of the 2005 Regional Fixed Guideway Study (FGS), through the following efforts:

- Launch the Northwest Bus Rapid Transit (BRT) Project funded by a federal BUILD grant in the fall of 2023.
- Support the RTA’s FGS update and Alternatives Analysis. RTA is working toward locally preferred alternatives on the Edmond to Norman, Tinker, west, and Airport corridors. The planning process for the west and airport corridors should begin in CY2023. Staff will support RTA’s effort to explore various potential funding mechanisms and opportunities.
- Continue to implement the bus rapid transit and enhanced bus element of the 2005 Fixed Guideway Study’s 2030 System Plan, as modified by the findings of the 2013 Nelson Nygaard Transit Services Analysis (TSA) and 2021 Comprehensive Operational Analysis.
- Continue to work closely with the Oklahoma City Planning Department on various transit-related matters and long-term plans including an update to BikeWalkOKC and coordination on the next General Obligation Bond. Staff will coordinate to ensure bus stop upgrades are included in various street enhancement and sidewalk projects.
- Continue to plan for potential streetcar improvement and extensions.
- Continue stakeholder engagement for continued planning and advancement of Fixed Guideway Study recommendations.
- Continue collaborations and public education initiatives for the advancement of transit-oriented development (TOD), supportive land use plans and policies that include the continuum of access to transit services.
- Staff will begin planning for facilities expansion as part of efforts to provide additional transit services in the Oklahoma City Region. The 2021 Comprehensive Operation Analysis included a facilities master plan. Staff will work towards implementation of that plan.

c. Northwest BRT and MAPS4

- Continue work on the Northwest BRT and its associated improvements for the launch of revenue service in fall 2023.
- Following the passage of the MAPS4 initiative in 2019, COTPA will begin work on planning for transit projects including bus stop upgrades, microtransit projects, traffic signal prioritization, advanced transit options, service frequency improvements, and future planning in coordination with the MAPS4 Citizens Advisory Committee and connectivity subcommittee.
 - Planning work is underway and will continue for the Northeast and South BRT lines with consultant Kimley-Horn.
 - Phase 1 of the bus stop upgrades is underway and phase 2 will start later in 2023.
 - The Transit Signal Prioritization (TSP) project will start later in 2023.
 - L RTP plan update will start late 2023 or early 2024.

12. Long Range Transit Planning (Norman-Transit)

a. Norman-Transit Long Range Transit Plan Implementation:

- Continue to plan for and/or implement the recommended elements identified in the Go Norman Transit Plan as funds become available.
- b. Multimodal Planning:
 - Continue to research and/or implement additional modes of transportation and improvements that are appropriate for Norman, and which can complement existing public transportation services.

End Product

Technical memoranda and reports documenting program activities, including:

- 2.01 (2) – Summary of MTP Amendments
- 2.01 (4) – Mapped Inventory of Completed MTP Improvements

Task 2.02: Short-Range Transportation Planning

Background Information

Short-range transportation planning plays an important role in identifying and implementing priorities for highway and intermodal improvements within the metropolitan area. The Transportation Improvement Program (TIP) is the primary tool used to advance the goals of the long-range Metropolitan Transportation Plan (MTP).

Program Objectives

Coordinate with ODOT, ACOG MPO area local governments, and local transit providers in the implementation of transportation improvements throughout the region that are consistent with the financially constrained MTP. Expend the region's federal transportation dollars quickly and efficiently in accordance with regionally established priorities.

Program Activities

1. Monitor federally funded transportation improvements within the ACOG MPO area (ACOG)
 - a. Monitor the region's Surface Transportation Block Grant - Urbanized Area (STBG-UZA) funds and provide a mid-year STBG-UZA status report by entity. Aid local entities, as needed, concerning STBG-UZA procedures, funds, project statuses, and obligation of STBG-UZA funds. Ensure projects align with the ACOG Complete Streets Policy. Conduct quarterly status report meetings on active projects with ODOT and relevant local entities.
 - b. Continue to monitor the implementation of ACOG MPO area STBG-Set Aside or Transportation Alternatives Program (TAP) projects, competitively selected using FFY 2013/FFY 2014 and FY 2022/2023 TAP funds and the MPO's project evaluation and scoring criteria. Coordinate with ODOT on the implementation of its 2023 TAP projects. Conduct another call for projects in calendar year 2024 for funding years FY 2024-2026.
 - c. Assist ACOG MPO entities in identification of other appropriate federal and state funding sources for local transportation improvements.
 - d. Prepare an annual listing of projects for which federal transportation funds were obligated during FFY 2023, including investments in pedestrian and bicycle facilities.
 - e. Monitor projects selected for approximately \$8.9 million in (100 percent) funding from the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) of 2021.

This task helps fulfill the 2.5 percent Complete Streets Standards and Policies for PL funds requirement (BIL § 11206(b)).

2. Monitor and track highway, street, and intermodal (transit, bicycle, pedestrian, freight movement, airport access) improvements by maintaining databases and a GIS inventory of the improvements. Update the annual Network Monitoring Report. (ACOG)

Public transportation providers and other regional transit providers will provide shapefiles and/or other information on route and service changes for inclusion in the region's annual Network Monitoring Report. (COTPA, Norman-Transit)

3. Work with ODOT and ACOG MPO local governments to update the Federal Functional Classification System maps, consistent with the results of the 2020 Census and the adjusted urban area boundary. Consider subsequent requests by ACOG MPO entities to amend the Federal Functional Classification System as needed. Such requests will be reviewed by the MPO's Technical and Policy Committees and forwarded to ODOT for submission to FHWA. (ACOG)
4. Cooperate with ODOT in the selection of projects for funding on the National Highway System (NHS) and select other Title 23 and transit projects in consultation with ODOT and area public transportation providers in conformance with TIP and STIP priorities.

Coordinate with ODOT on the implementation of ACOG MPO area recommendations from its Strategic Highway Safety Plan (SHSP). (ACOG)

5. Continue working with ODOT and area freight stakeholders to maintain up-to-date inventories of intermodal facilities and goods movement data affecting the ACOG MPO area. Assist ODOT in preparing for anticipated FHWA Alternative Fuel Freight Corridor nomination opportunities. (ACOG)

6. Integrated Planning and Environmental Processes

The MPO will provide assistance to lead agencies performing a planning process that can be integrated into the required environmental analysis for major highway and public transit projects in the ACOG MPO area. The analysis process will involve the MPO, ODOT, COTPA, Norman-Transit, FHWA and FTA, and other agencies as needed. The process will establish the range of alternatives to be studied such as alternative modes and general alignments and include appropriate public involvement opportunities. Broad social, economic, and environmental impacts that could result from the proposed improvement will be evaluated. (ACOG, ODOT, COTPA, Norman-Transit)

7. Update the FFY 2024–2027 ACOG MPO Area TIP to include the latest priorities of the MPO member entities. Update the TIP document to reflect continued federal requirements for performance-based planning and programming (See task 2.03). Continue to integrate the goals and objectives of the MTP into the TIP to better connect the long-range and short-range plans. Conduct a call for Surface Transportation Block Grant - Urbanized Area (STBG-UZA) projects and use the STBG-UZA Evaluation Criteria to select projects for inclusion in the TIP. Process amendments to the current TIP through the ACOG MPO Technical and Policy Committees, provide public notice on each amendment, and document said amendments for submission to the FHWA, FTA, ODOT, and other applicable agencies. Monitor revisions to project descriptions, funding sources, and cost estimates in order to maintain a fiscally constrained TIP. Provide input into the ODOT 8-Year Construction Work Plan and Statewide Transportation Improvement Program (STIP). (ACOG)
8. Conduct an update (if needed) of the *Criteria and Process for Evaluation of STBG-UZA Projects*. Revisions will continue to reflect the goals of the Metropolitan Transportation Plan (MTP), the strategies of the Congestion Mitigation Process (CMP), ACOG Complete Streets Policy, and member entity priorities, while adhering to federal regulations. (ACOG)

9. Short Range Transit Route Performance and Service Plans

a. Transit Route Performance Evaluation

Utilize on-bus technology and other surveys to monitor route performance, usage trends and validity of service for existing fixed routes. Regularly brief local entities and agencies on system performance as appropriate. (COTPA, Norman-Transit)

b. Planning for Bus Route Service and Schedules

COTPA will:

- Continued planning for peak service expansion will be ongoing.
- Continue to review the impact of bus route changes and develop bus route service plans in conformance with budgetary considerations and various plans and processes, with special emphasis on the interface with streetcar and BRT.
- Provide advice and technical planning assistance to local communities, as appropriate.
- Provide Edmond Citylink with compliance oversight and transit planning assistance, as appropriate.
- Continue the short-term transit resource improvement planning which has focused on strategies to help COTPA expand its fleet, add CNG fueling, and add electric, and CNG-powered buses, and implement staffing expansions as need to

accommodate recent EMBARK service enhancements and hours/days of operation.

- Conduct public engagement activities, as necessary, to plan for and implement a potential addition of more night-routes offering fixed route services until midnight.
- Develop and maintain individual route maps and schedules, and system maps for EMBARK fixed-route services in print and digital formats.
- Begin implementing the 2021 Comprehensive Operational Analysis transit study. The study, called OKC Moves, evaluated existing conditions in Central Oklahoma and explored ways to improve transit service. The preferred alternative includes a prioritized list of changes. It contains implementation plans, cost estimates, facilities requirements, vehicle needs, and staffing needs required for those changes. The changes will integrate local bus service with the NW BRT, extend service to new destinations, improve on-time performance, better connect parts of Oklahoma City, and improve frequency on existing bus routes.

Norman-Transit will:

- Conduct public engagement activities, as necessary, to plan and implement route or service changes.
- Begin implementing bus route changes identified in the Go Norman Transit Plan, and develop bus route service plans in conformance with budgetary considerations, various plans, and processes. Coordinate with contracted operations to plan, review, and implement changes.
- Plan for fleet replacement and expansion as necessary for service, and to achieve a state of good repair. Apply for grant opportunities to assist with current and future capital needs.
- Develop and maintain individual route maps and schedules, and system maps for fixed-route services in print and digital formats.

c. Streetcar Planning (COTPA)

- Work closely with the OKC Traffic Operations/Engineering group to look at ways to restripe or adjust signals to further enhance the safety and efficiency of the system.
- Monitor streetcar contractor closely to facilitate contract compliance.
- Continue to work with State Safety Oversight (SSO) regarding meeting Public Transportation Agency Safety Plan (PTASP) goals and objectives.
- Continue to track TOD and economic development near streetcar.
- Develop and maintain individual route maps, schedules, and system maps for OKC Streetcar in print and digital formats.
- In 2019 an economic impact study was performed. Showing the impact around the streetcar system. Planning is currently reviewing the possibility of another study.

d. On-Call Consultant Planning Services (COTPA)

- COTPA may issue task orders to the consultant for short term plans, USDOT benefit cost analyses (BCA's), grant writing, concept design, Title VI plan updates, and other actions.
- Services can assist COTPA staff, or be turnkey, within an annual budgetary limit.

10. Transit Marketing

COTPA will continue to assess customer experience and community support for transit, as well as conduct marketing to improve ridership. Update previous research to identify potential customers for existing routes.

COTPA will pursue the following strategies to retain and expand ridership, as well as grow community support:

- Establish and implement a multifaceted communications plan to serve existing and potential customers.
- Conduct market research of non-riders to evaluate customer and community perceptions of EMBARK.
- Continue to enhance and develop real-time rider tools for mobile and desktop devices.
- Prepare materials helpful to the public in understanding service changes before they occur.
- Build further brand recognition and service awareness for EMBARK through events, door hangers, social media, digital and TV advertisements, and media relations.
- Conduct market research to learn more about existing customers in order to develop customer profiles and to understand customer expectations, experiences, and needs.
- Develop messages that increase awareness of the environmental effects of single occupancy vehicles (SOV) and how the use of public transportation can help reduce emissions and congestion.
- Continue to engage minority audiences through community events and service programs such as the Haul Pass Program, Roads Scholars, How to Ride Transit Trainer classes, the EMBARK Well program, the Arnall Climb program, and other initiatives.
- Continue promotion of rail safety messages aimed at motorists, pedestrians, cyclists, customers, and potential users.
- Develop and implement communication strategies related to the Oklahoma River Cruises, Vanpool, Spokies Bike share, ADA Paratransit, Senior Transportation, Mobility Management programs, OKC Streetcar, and Bus Rapid Transit.

Norman-Transit will pursue the following marketing strategies to retain and expand ridership:

- Hold transit promotional events in the community and collaborate with other entities or stakeholders as necessary.
- Use its Limited English Proficiency (LEP) outreach efforts to identify new target groups and promote transit within the LEP populations.
- Continue to enhance and develop real-time rider tools for mobile and desktop devices.
- Prepare public-facing materials to promote understanding of planned service changes prior to implementation of the change.
- Work with contracted operations to promote the Norman transit service to the community and region.

11. Short Range Transit Partnership Planning and Development

- a. Continue public private partnership (P3) efforts to educate about public transit and partner with residents and other stakeholders to increase ridership. (COTPA, Norman-Transit)
- b. A special effort will continue collaborative groups in the Downtown for TOD near the Santa Fe station and streetcar, as well as along the Northwest BRT corridor. (COTPA)
- c. Continue to identify new funding partners in the region for transit services and amenities, including new transit service and for bus shelters, sidewalks, and trail connections near transit routes. (COTPA, Norman-Transit)

12. Bus Route Accessibility Planning, Sidewalk Survey, and Park & Ride Partners

- a. Continue to work with the OKC, Midwest City, and Norman Planning and Public Works Departments and with other public and private sector partners to identify and address accessibility issues, and plan for and fund additional bus stops, bus shelters, ramps, and sidewalks in certain high-use locations. Monitor ridership patterns and requests for bus stops and add new stops as necessary and appropriate. (COTPA, Norman-Transit)
- b. Maintain an inventory of bus stop improvements to include ADA accessibility, passenger amenities, signage, and available park-and-ride lots for transit customers. (COTPA, Norman-Transit)

- c. Continue to monitor the private sector deployment of battery-powered scooter technology. Explore the prospect of synergy with transit as a first-last mile option and urge caution as to safety and ADA issues, such as scooter usage on sidewalks. (COTPA, Norman-Transit)

1.3 Ferry System Planning

- a. Continue to monitor progress on the water-based public transportation system on the Oklahoma River and develop, coordinate, and implement operational and marketing efforts. Operational systems, including schedules, services, and maintenance will be monitored and adjusted to optimize effectiveness and efficiency. Progress will be measured by tracking the number of ferry riders per service hour. (COTPA)
- b. Capital improvement projects, designed to support the system will be planned and monitored by COTPA as part of its oversight of grant funding used for the ferryboat system. COTPA will also monitor river development projects by other entities and seek partnerships for additional landings. Current capital projects include bank stabilization at Exchange Landing, river dredging, and construction of a new landing at the First Americans Museum. These current projects are funded through grants awarded to COTPA and will be monitored for progress. (COTPA)
- c. Vessel refurbishments, as required by the United State Coast Guard, will be scheduled. Work plans for each vessel will be developed to optimize the available federal funds and local contributions. (COTPA)

End Product

Technical memoranda and reports as required, accounting for the findings and analysis of program activities, including:

- 2.02 (1d) – Annual Listing of Federally Funded Transportation Projects Report
- 2.02 (2) – CY 2023 Network Monitoring Report
- 2.02 (7) – Updated FFY 2024-2027 Transportation Improvement Program
- 2.02 (8) – Updated *Criteria and Process for Evaluation of STBG-UZA Projects*

Task 2.03: System Performance and Congestion Management

Background Information

Moving Ahead for Progress in the 21st Century (MAP-21) placed increased emphasis on performance management within the Federal-aid highway and transit programs and required use of performance-based approaches in statewide, metropolitan, and non-metropolitan transportation planning. This priority has been continued under the current surface transportation legislation, the Infrastructure Investment and Jobs Act (IIJA). Performance management is credited with improving project and program delivery, informing investment decision-making, focusing staff on leadership priorities, and providing greater transparency and accountability to the public. The performance-based planning process (PBPP) is intended to assist ACOG MPO area leaders maximize the use of existing transportation facilities, assist with efficient movement of goods, reduce vehicular emissions, and improve air quality, as well as analyze, plan for, and mitigate safety and security related transportation network challenges.

Program Objective

PBPP attempts to ensure that transportation investment decisions are made – both in long-term planning and short-term programming of projects – based on their ability to meet established goals. Activities under this task are designed to pinpoint transportation systems management, travel demand reduction, traffic incident management, safety conscious planning, transportation infrastructure security, and public information opportunities, in addition to other strategies that will improve the overall management and operation of the multimodal transportation network in Central Oklahoma.

Program Activities

1. Performance Based Programming and Management
 - a. Review and assess current and new performance measures, evaluation criteria, data collection, implementation schedule, and the performance measure's relationship to the Transportation Improvement Program (TIP), long-range Metropolitan Transportation Plan (MTP), and the Congestion Management Process (CMP). (ACOG)
 - b. Set targets for adopted regional performance measures. Targets and reporting requirements will be developed in coordination with the Oklahoma Department of Transportation (ODOT). ODOT will provide updates on their targets to the ACOG MPO Technical and Policy Committees. (ACOG, ODOT)
 - c. COTPA will collaborate with the MPO and, where applicable, the state to achieve the new emphasis area of the FTA in performance management related to public transit agencies Transit Asset Management (TAM) Plan and the Public Transit Agency Safety Plan (PTASP). COTPA will make its safety performance targets available to the State and the MPO to aid in the planning process, and to coordinate with the State and MPO in the selection of the State and MPO safety performance targets. (COTPA)
2. Congestion Management Process
 - a. Examine the MPO's current and planned strategies, as well as additional strategies to alleviate congestion and enhance mobility in accordance with federal rules. (ACOG)
 - b. Implement and evaluate the ACOG MPO Area Congestion Management Process (CMP) and strategies within the MPO's TIP and MTP processes. Update the region's Congested Corridors with the most recent Travel Time Data. Reevaluate and update, as necessary, the congestion management toolbox as identified in the ACOG MPO CMP. (ACOG)
 - c. Work with ODOT, local governments, emergency service providers, public safety units, and others to develop a coordinated long-term congestion management strategy for the region. (ACOG)

3. Traffic Incident Management, Crash Reduction, and Safety Conscious Planning

- a. Continue to collaborate with state and local agencies, as well as non-profits and emergency responders, to further enhance incident management within the ACOG MPO region through involvement in efforts such as region-wide evacuation planning, coordination of regional snow routes and other preventative measures. Explore EV crash solutions and training for public safety personnel. (ACOG)
- b. Continue to provide ACOG with accurate up-to-date crash information to support the regional congestion management process, safety conscious planning, crash analysis, and other MPO initiatives. (ODOT)
- c. Continue ACOG's safety planning efforts in FY 2024. This includes the development of the Central Oklahoma Regional Safety Action Plan, funded by the federal Safe Streets and Roads for All (SS4A) grant. Collect and analyze ACOG MPO area crash data as yearly data is made available by ODOT. Update the ACOG MPO Area Crash Report and monitor high crash corridors for vehicle, bicycle, and pedestrian crashes. Update the online GIS Story Map for the Regional Crash Analysis posted on ACOG's website. (ACOG)
- d. Manage the regional bicycle and pedestrian public safety campaign, Watch for Me OK, in coordination with the Oklahoma Highway Safety Office and other area stakeholders. (ACOG)
- e. Assist in the implementation of the State Highway Safety Plan (SHSP) and provide member entities with ODOT's crash data upon request. (ACOG)

This task helps fulfill the 2.5 percent Complete Streets Standards and Policies for PL funds requirement (BIL § 11206(b)).

4. Regional Operations Planning and Intelligent Transportation System (ITS) Strategies

- a. Explore the development of a regional ITS Architecture and Deployment Plan in coordination with ODOT, local member entities, and a consultant. Employ the most recent Federal ITS Architecture requirements. Conduct stakeholder meetings, gap needs assessment, Memorandums of Understanding and agreements, and provide stakeholders with potential ITS projects for deployment over 10-year time period and project benefits. (ACOG, ODOT)
- b. Identify potential impacts, needs and implementation strategies for connected and autonomous vehicles (CAVs). Assess need for infrastructure investments, for example, signage, striping, lighting, and wireless connectivity. Integrate CAV into Universal Design policies. Integrate CAV technology into ACOG MPO ITS architecture. (ACOG)
- c. In coordination with local member traffic management staff, compile and maintain an inventory of intersection traffic control devices, with particular attention to corridors that have synchronized signal systems. (ACOG)
- d. Research, evaluate and distribute information to member entities regarding potential operational and ITS improvements aimed at mitigating transportation issues. (ACOG, ODOT)
- e. Continue to implement ITS strategies including traffic signal prioritization, streetcar estimated arrival times, streetcar tracker, develop new multimodal websites for EMBARK's family of services, and improve mobile fare offering. Staff will evaluate and possibly replace route planning, ridership reporting, and dispatching software. (COTPA)
- f. ITS planning in Oklahoma is guided by three primary goals, which are based on the key transportation needs identified by ITS stakeholders: improve safety and mobility, enhance security, and increase agency efficiency. To achieve the envisioned

integrated ITS system, ODOT staff continues to plan and deploy ITS infrastructure (i.e., cameras, dynamic message signs, detectors, weather sensors, and telecommunication, as well as the structural support hardware and cabinets) within the ACOG MPO area. The ITS infrastructure gathers and disseminates essential information to state and local operators, responders, managers, and users of the system. This statewide ITS planning supports the ACOG MPO area ITS Implementation Plan. (ODOT)

5. Regional Construction Coordination

Explore the establishment of a regional construction coordination program that would provide a platform for communication and coordination among the MPO, local governments, and ODOT concerning current and impending ACOG MPO area roadway improvements. The program could be designed to ensure that construction, temporary closures, and detours pose the least burden to the traveling public as possible. (ACOG)

6. Transportation Infrastructure Security

- a. Continue coordination with federal, state, and local homeland security and emergency management related agencies and committees. Participate in relevant meetings and workgroups to represent the interests and the perspective of regionally coordinated transportation. (ACOG)
- b. Analyze the regional transportation network for alternate routes and redundancies to accommodate moving large numbers of people, as well as develop strategies for dealing with choke points, such as interchanges, ramps, etc. (ACOG)

7. Enhanced Planning for Safety and Security Measures

COTPA will:

- COTPA drafted Public Transit Agency Safety Plans (PTASPs) for OKC Streetcar and Bus Operations that meets the new 49 CFR 674 and 673 standards, and continues updating SSEPPs and EAPs accordingly.
- COTPA will continue to address energy security by planning for the addition of a back-up generator to serve the CNG fuel facility.
- The Streetcar operations began in December 2018. The Safety Executive Committee (SEC) and the Safety and Security Operations Committee (SSOC) have been activated. The Fire Life Safety and Security Committee (FLSSC) is a working group under the SSOC that collaborates on tabletop and full-scale exercises, emergency response procedures, and training. OKC Streetcar continues to work closely with the Oklahoma Department of Transportation (ODOT) State Safety Oversight (SSO) staff to ensure our system safety and security compliance.
- COTPA's partnerships with other agencies continue to grow and strengthen. COTPA works closely with the Oklahoma City Police Department (OCPD). OCPD conducts training for bus operations, road supervisors, and bus operators. COTPA continues to work with the Transportation Safety Institute (TSI) by hosting classes at COTPA facilities, which are also open to the public. The partnership with TSI is advantageous for COTPA employees and operations and aids in strengthening the overall safety system.
- COTPA's partnership with the Transportation Security Administration (TSA) will continue. TSA has completed a baseline assessment for both bus and streetcar. The bus operation participated in TSA's SETA program and the streetcar operation will complete the program next.
- Customer service is one of COTPA's core values and is a major part of our operations. Customer service training is an ongoing process.

Norman-Transit will:

- Monitor and provide oversight to an operations contractor and Norman fleet maintenance to ensure a safe and secure transit system that meets regulations.

- Norman-Transit staff will coordinate with both City of Norman and operations contractor safety staff.
- Continue planning for safety and security features in vehicles, facilities, passenger stations, and bus stops.
- Implement and update, as necessary, the Public Transit Agency Safety Plan (PTASP) to ensure that all federal requirements continue to be met.

End Product

Technical memoranda, reports and publications as required, documenting the findings and analysis of program activities, including:

- 2.03 (1) –Transportation System Performance Report – Performance Measure Targets and Monitoring
- 2.03 (2b) – Updated Regional Congested Corridors Map
- 2.03 (3a) – Regional Snow Routes Map (2023-2024)
- 2.03 (3c) – Central Oklahoma Regional Safety Action Plan
- 2.03 (3c) – Regional Crash Report Update and Story Map
- 2.03 (3d) – CY 2023 Watch for Me OK Activities Report
- 2.03 (4) – Regional ITS Architecture and Deployment Plan

Task 2.04: Mobility and Public Transportation Planning

Background Information

Planning for all transit users, older adults, and individuals with disabilities requires the continued identification of transportation needs and the availability of services and resources to meet those needs. Activities under this task include the efficient and coordinated transportation services for seniors and individuals with disabilities, the dissemination of information, and a continued outreach to segments of the community that rely heavily on public transportation for mobility.

Public transportation plays an important role in increasing mobility throughout the region and has gained increasing support in the last decade. Continued support and coordination by ACOG with local transit agencies and other stakeholders will be key to continue elevating public transportation as a viable mode in the region.

Program Objectives

Ensure continued planning and development of transportation services for the elderly and persons with disabilities in Central Oklahoma. Expand paratransit services and implement other components of the Section 504/ADA Implementation Plan to improve accessibility to public transportation by all residents.

ACOG will continue to provide support, coordination, and technical assistance for the improvement of public transportation services in the region. Public transportation projects will continue to be included in both short-range and long-range planning activities.

Program Activities

1. Vehicles/Organizations Providing Transportation Services to the Elderly and Persons with Disabilities

Coordinate to expend Sec. 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program funds within the ACOG MPO area in conformance with the metropolitan and Statewide Coordinated Public Transit-Human Services Transportation Plans. (ODOT)

ODOT will facilitate transitioning the 5310 program for the Oklahoma City urbanized area to EMBARK.

2. Coordinated Public Transit-Human Services Transportation Plan

Projects funded under the Sec. 5310 program will be part of the *Statewide Coordinated Plan* and selected by the Oklahoma Department of Transportation, Office of Mobility. Coordinated Plans will be consistent with the ACOG MPO long-range transportation plan and selected projects will be included in the Transportation Improvement Program (TIP) and Statewide TIP (STIP). (ODOT)

3. Regional Americans with Disabilities Act (ADA) Implementation

a. Coordination of Mobility Management Services

COTPA will continue the planning and coordination of origin-to-destination services for older adults and people with disabilities. Staff will continue to provide technical assistance to various parties, including local governments, public safety organizations, health care providers, social service organizations, and advocacy groups. (COTPA)

b. Promotion of Mobility Management Services

COTPA will continue promoting services for older adults and individuals with disabilities and providing assistance and coordination of services to other transportation providers. (COTPA)

- c. Continue to implement and adjust as necessary the ACOG ADA/504 Compliance Plan. (ACOG)

4. Mobility Management Services Customer Evaluation and Database Management

COTPA will continue to provide eligibility processes for paratransit (both in OKC and Norman) and other mobility management services in both Oklahoma City and Norman. (COTPA)

Norman-Transit will continue to use paratransit scheduling software to track data and assure performance measures are being met. Staff will support the ADA Citizens Advisory Committee, the ADA Staff AdHoc Committee, and any other City, county, or regional boards/commissions that discuss public transit and/or accessibility. (Norman-Transit)

5. Outreach to Elderly and Persons with Disabilities

- a. COTPA promotes and measures transit usage by older adults and individuals with disabilities. Demographics are utilized to increase outreach efforts to identify underserved populations and identify target areas with large concentrations of seniors, individuals with disabilities, and other transportation sensitive populations. (COTPA)

COTPA will continue their long-standing partnerships with the Areawide Aging Agency and other entities to encourage awareness of the growing need for senior transportation and to encourage adequate subsidies from within the region. (COTPA)

- b. Norman-Transit will work with social service agencies, the elderly, and persons with disabilities to disseminate information about its fixed route and paratransit service. Staff and Norman's operations contractor will provide assistance with trip planning and will encourage use of the fixed route system whenever possible. Staff will work to increase awareness of transportation needs. (Norman-Transit)

6. Public Transportation and Public Relations

Provide public relations and promotion for transit related events. Participate and assist, as needed, with events that promote transit (i.e., Transit Day at the Capitol, EMBARK Third-Friday Free Fare during ozone season, etc.) (ACOG)

7. Transit Route Monitoring, Data, and Mapping

Collect annual route and mapping updates from local transit systems. Maintain transit networks by route by year. Tag each route with days of service. Include streetcar, Bus Rapid Transit (BRT), ferry, and bikeshare operations in inventory of systems. Provide socioeconomic data to transit agencies to assist with transit service planning. (ACOG)

8. Long Range Transit Planning – System Level

a. Coordination and Support of the RTA

- COTPA will provide administrative and planning support for the Regional Transportation Authority (RTA) of Central Oklahoma. As part of this effort, COTPA will assist the RTA with the completion of the transit system plan for the region, including the vision, goals, and potential corridors; initiation of an alternatives analysis for corridors identified in the system plan including corridor planning, station, land use, and concept development, and start environmental review, preliminary engineering, and application for FTA funds. (COTPA)

COTPA will also serve as staff liaison to the Oklahoma City RTA Board Members and work with the RTA in various areas to support improved transit in ACOG MPO area. (COTPA)

- The City of Norman will serve as staff liaison to the Norman RTA Board Members and will work with the RTA in various areas to support improved transit in the ACOG MPO area. (Norman-Transit)
- As the MPO, ACOG will aid in the regional coordination between the RTA of Central Oklahoma, local governments, local transit agencies, and ODOT. (ACOG)

9. Long Range Transit Planning – Project Level

ACOG will provide assistance and support for the joint COTPA/Oklahoma City Bus Rapid Transit (BRT) project on NW Expressway and N. Classen Blvd and other BRT projects. (ACOG)

10. Public Transportation Coordination

- ACOG, COTPA, Norman-Transit, Citylink, Oklahoma City Planning Department, ODOT, and others will convene quarterly coordination meetings. This forum enables transit providers, subrecipients of transit funding, and other transportation professionals to interface about transit services, changes, and issues in the region. Highlights of each meeting will be presented at ACOG MPO Technical Committee meetings. (ACOG, COTPA, Norman-Transit, ODOT)
- Continue to coordinate with local public transportation providers to include transit projects in the Metropolitan Transportation Plan (MTP) and the Transportation Improvement Program (TIP). (ACOG)

(Livability Initiatives section was moved to Task 2.05: Air Quality Planning)

End Product

Technical memoranda and reports as required, documenting the findings and analysis of program activities, including:

- 2.04 (10) – FY 2023 Quarterly Public Transportation Coordination Meetings Report

Task 2.05: Air Quality Planning

Background Information

Although the ACOG MPO area is in compliance with federal air quality standards, regional leaders continue to explore strategies that will maintain and improve the region's air quality. ACOG works in concert with multiple stakeholders on air quality related activities with a particular focus on ground-level Ozone.

Ozone

On December 23, 2020, EPA completed its review of the full body of currently available scientific evidence and exposure/risk information and decided to retain the existing ozone National Ambient Air Quality Standards (NAAQS). Since 2015, the primary and secondary ozone standard levels are to 0.070 ppm parts per million (ppm). In December 2017, all of Oklahoma's 77 counties were designated attainment/ unclassifiable for the revised primary and secondary ozone standards. Central Oklahoma's ozone regional value was 0.070 ppm at the end of 2021.

In January 2023, EPA proposed strengthening the primary (health-based) annual particulate matter (PM_{2.5}) standard from a level of 12 micrograms per cubic meter to a level between 9 and 10 micrograms per cubic meter, reflecting recommendations from EPA's Clean Air Scientific Advisory Committee's (CASAC) latest report. If adopted, Central Oklahoma would be at a high risk of PM_{2.5} standard violation and potential nonattainment.

Central Oklahoma remains in attainment of ozone and PM_{2.5}, yet the region must continue to be proactive in promoting activities and programs that protect and improve its air quality.

Program Objective

Assist the ACOG MPO transportation committees, local governments, COTPA, Norman-Transit, state and federal agencies, and the private sector in maintaining compliance with NAAQS. Utilize various techniques to reduce air pollution and decrease congestion.

Program Activities

1. Air Quality Data Analysis:
 - a. Monitor and evaluate air quality issues related to transportation. Organize and attend Regional Air Quality Stakeholder Committee meetings as scheduled. Receive and review the monthly ozone and particulate matter readings and related meteorological data monitored daily by ODEQ's Air Quality Division. Convene an annual meeting with statewide MPOs, ODOT and ODEQ to discuss air quality improvement strategies. (ACOG, ODOT)
 - b. Work with EPA and ODEQ to implement new ozone and particulate matter standards and assess the implications of these standards on the Central Oklahoma region. Work with ODEQ on updating and implementing the State Implementation Plan (SIP) and Infrastructure State Implementation Plans (I-SIPs) for ozone and particulate matter. Determine the conformity of air quality and transportation plans for the ACOG MPO area. (ACOG)
 - c. Assist ODOT with the development of the statewide Carbon Reduction Strategy. Develop additional strategies to reduce carbon emissions in the ACOG MPO area, if needed.
 - d. Utilize Climate Pollution Reduction Grants (CPRG) Program funding provided by the Inflation Reduction Act (IRA) of 2022 and allocated to the Oklahoma City metropolitan area to develop a Priority Climate Action Plan (due in early 2024), a Comprehensive Climate Action Plan (due two years from the award date), and a status report (due at the end of the four-year grant period).
2. Ozone Alert Day Program:

Coordinate with ODEQ, ODOT, COTPA, Norman-Transit, and other regional transit providers in the implementation of Ozone Alert Days when high levels ground-level ozone are predicted. Document highest recorded pollutant levels on alert days, along with

information on the monitoring station location and magnitude of the event. Explore partnerships with public health organizations. Coordinate with ODOT to alert people via dynamic message signs to carpool or use public transit on Ozone Alert Days. (ACOG)

3. Air Quality Public Education

- a. Continue the Air Quality Public Education Program, initiated in FY 2001, to promote personal actions intended to reduce mobile and non-mobile emissions, particularly on days which are conducive to high ozone levels. Activities such as carpooling, refueling vehicles at night, use of public transportation, bike-and-bus strategies, and trip chaining that attempt to smooth out the peaks on high ozone days will be the focus of this educational effort. (ACOG, ODOT, COTPA, Norman-Transit)
- b. COTPA and Norman-Transit will document passengers traveling with bicycles on buses daily and work to increase awareness and encourage combining bike and bus trips as an effort to improve air quality. (COTPA, Norman-Transit)
- c. Promote and help support regional activities and events such as Bike Month, Bike to Work Day, BikeFest, National Drive Electric Week, Open Streets, Earth Day, etc. (ACOG)
- d. Develop new partnerships with large employers and multifamily housing developments in support of fixed route, vanpool, on-line trip planning, and other transit programs. (COTPA)

4. Air Quality Small Grant Program

Continue to administer the Air Quality Small Grant Program, which funds small active transportation infrastructure and congestion reduction techniques in an effort to improve regional air quality. The program awards are made available to eligible applicants through a competitive grant process using available CMAQ and Carbon Reduction Program (CRP) funds. A variety of projects and programs will continue to be eligible, but all serve to achieve long-term reductions in transportation-related emissions that contribute to the formation of ground-level ozone. ACOG and grant recipients will continue to monitor funded projects after completion, in order to determine project effectiveness. (ACOG)

5. Air Quality Planning and Ozone Advance

- a. Coordinate with the Oklahoma Department of Environmental Quality (ODEQ), in the implementation of the Ozone Advance Program. The program encourages expeditious emission reductions of NO_x and VOCs (ozone precursors) and fine particle (PM_{2.5}) attainment areas to help these areas continue to meet the National Ambient Air Quality Standards (NAAQS). ACOG works in collaboration with ODEQ to submit annual ozone and PM_{2.5} emissions reduction project updates to EPA.
- b. Develop a regional air quality plan. The purpose of the plan is to set goals and strategies for new and expanded emissions reductions efforts to keep the region in attainment of the NAAQS. (ACOG)
- c. Provide technical assistance to ACOG MPO members developing sustainability planning documents, climate action plans, or similar planning projects (ACOG)

6. Promotion of Alternative Fuels – Central Oklahoma Clean Cities Program

- a. Provide data for, and coordinate with, ACOG's Clean Cities program. Clean Cities program efforts focus on promoting the use of alternative fuels (as defined by Congress and the U.S. Department of Energy, alternative fuel vehicles, idle reduction technologies, hybrid electric and other advanced technology vehicles, as well as fuel efficient vehicles in the ACOG MPO area through a government-industry partnership that includes federal, state and local government leaders and officials, industry/business leaders, health and environmental professionals, and civic leaders. Alternative fuels are considered cleaner fuels than conventional petroleum-based fuels, thereby reducing vehicle emissions and improving air quality. Clean Cities staff will provide technical and marketing assistance and coordination for the stakeholder committee to expand the use of alternative fuels across the ACOG MPO area. (ACOG)

- b. Provide information to fleet stakeholders on vehicle and fueling infrastructure funding opportunities including but not limited to: Bipartisan Infrastructure Law (BIL) FHWA National Electric Vehicle Infrastructure (NEVI) Program and FHWA Charging and Fueling Infrastructure (CFI) Discretionary Grant Program, FHWA FTA Low or No Emission Vehicle Program - 5339(c), Inflation Reduction Act (IRA) funding and incentives, EPA Diesel Emissions Reduction Act (DERA) Funding, and Oklahoma Department of Environmental Quality (DEQ) Volkswagen Settlement Funding. (ACOG)
- c. Coordinate and administer the Oklahoma Electric Vehicle Coalition (OEVV) as part of the Central Oklahoma Clean Cities program. The coalition's objectives are to support and facilitate the education and adoption of electric vehicles (EV) and electric vehicle supply equipment (EVSE) in the state of Oklahoma through outreach and infrastructure development. Explore the potential for a regional electric vehicle charging infrastructure plan. (ACOG)
- d. The region's transit providers will continue to use and explore opportunities to expand alternative fuel technology and evaluate the advantages and disadvantages of alternative fuel sources in Central Oklahoma's transit fleets. (COTPA, Norman-Transit)

7. Public Fleet Conversion Grant Program

Continue implementing and administering the Public Fleet Conversion program which allows government entities and school districts to access federal funds for projects that promote the conversion of vehicles to alternative fuel vehicles (AFVs), the purchase of original equipment manufactured AFVs, the purchase of advanced vehicle technologies, idle reduction technologies, and the development of the AFV refueling and recharging infrastructure within the ACOG MPO area. The program awards are made available to eligible applicants through a competitive grant process using available CMAQ and Carbon Reduction Program (CRP) funds. (ACOG)

8. Regional Rideshare Program

Expand EMBARK vanpool program to add more vanpools by working with ACOG, employers, workforce development entities, and other stakeholders to educate commuters and promote this transit option. Tinker Air Force Base is launching a vanpool program in partnership with EMBARK. (COTPA)

9. Livability Initiatives

Coordinate with public health and various other entities and community organizations to promote livability principles, complete streets, healthy communities, sustainability, Open Streets, walkability, and transit-oriented development (TOD). (ACOG)

Finalize and promote the Central Oklahoma Public Spaces Amenity Guide, which will aid local communities and organizations select and install amenities for area trails, parks, and streetscapes. (ACOG)

Continue past initiatives to further livability as related to both streetcar and bus planning. COTPA will continue to place greater emphasis on transit-oriented development (TOD). COTPA will coordinate with public health, bicycle, car sharing, public housing, and various other entities and community organizations to promote livability principles, healthy communities, sustainability, brownfields reuse, walkability, health fairs, and transit. (COTPA)

This task helps fulfill the 2.5 percent Complete Streets Standards and Policies for PL funds requirement (BIL § 11206(b)).

10. Planning for Alternative Transportation

COTPA:

Progress of the Bike Share Program will be monitored and measured by the number of trips per month and the number of trips per bike.

Planning for the introduction of e-bikes will continue. Planning for marketing and maintenance activities will also continue. Data collected from the dockless bikes and e-bikes will be analyzed to assess the viability of the mode and their impact on the system.

Monitoring of the e-scooter system will continue as staff continues to evaluate these for expansion at bus shelters outside the urban core.

Norman-Transit:

Monitor the desire to implement a bike share program. If pursued, staff will collaborate with other City staff to ensure that the two transportation options complement each other.

Continue monitoring e-scooter operations and how that mode provides transportation access in Norman and first/last mile connections to transit.

End Product

Documentation of Air Quality Planning related activities. Public information and educational materials related to the air quality benefits of alternative forms of transportation and fuels.

Technical memoranda, publications, and reports as required, documenting the findings and analysis of program activities, including:

- 2.05 (1d) – Priority Climate Action Plan
- 2.05 (3c) – CY 2023 Bike Month Activities Report
- 2.05 (4) – FY 2023 Air Quality Small Grant Program Status Report
- 2.05 (5a) – EPA Ozone Advance Program – Oklahoma City Update
- 2.05 (5b) – Regional Air Quality Plan
- 2.05 (6) – Transportation Technology Deployment Report: Central Oklahoma Clean Cities
- 2.05 (7) – FY 2023 Public Fleet Conversion Grant Program Status Report
- 2.05 (9) – Central Oklahoma Public Spaces Amenity Guide

ELEMENT #3: PUBLIC PARTICIPATION

Consistent with public participation guidelines from the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), this element includes work tasks required to ensure effective public information and public involvement in the transportation planning process. The MPO establishes methods for encouraging residents, affected organizations, and other interested parties to be involved in the development of the three major areas of the ACOG MPO planning process: the long-range transportation plan, the transportation improvement program, and the ongoing transportation planning program.

The MPO conducts numerous informational activities during each program year to keep residents informed on various aspects of the regional transportation planning process. ACOG also disseminates information to the public via social media outlets.

Task Included:

[3.01 - Public Information, Outreach, and Participation](#)

Task 3.01: Public Information, Outreach, and Participation

Background Information

Public participation is an integral part of the ACOG MPO planning process. Increased communication among residents, elected officials, and technical staff permits everyone to work more easily together to achieve desired goals. When the public is involved in the planning process, issues often can be addressed early enough to reduce the time and cost of project implementation.

ACOG uses several public outreach techniques to communicate with the general public about the regional transportation planning process, including public meetings, news releases, reports and publications, surveys, electronic newsletters, email blasts, the ACOG website, and ACOG Facebook, Twitter, Instagram, and blog posts.

Program Objective

Assure ample opportunities for residents, including those with disabilities, affected public agencies, and representatives of all modes, to participate in the regional transportation planning process through informational meetings and work sessions. Solicit input from traditionally underrepresented populations. Serve as a source of public information for transportation planning programs by preparing and disseminating general and specific transportation information to other public agencies, professional and business interest groups, community-based organizations, and the public at large. Provide a location for receipt of suggestions and feedback regarding the long-range transportation plan, the transportation improvement program, and specific projects.

Program Activities

1. Meet with local city councils, study groups, residents' groups, or civic organizations to receive input and to inform the public about the various tasks in the Unified Planning Work Program. (ACOG)
2. Maintain a database for contacting various individuals and interest groups about the regional transportation planning process in Central Oklahoma, including civic, modal, tribal, environmental, minority, neighborhood, and other resident groups. (ACOG)
3. Explore options to engage public involvement in the metropolitan transportation planning process. If deemed appropriate, convene meetings of the Encompass 2045 Stakeholder Advisory Group (SAG) to receive input for updates to Encompass 2045. Evaluate the public involvement activities from Encompass 2045 and ACOG's transportation planning process and research additional public involvement strategies for future plans and programs. (ACOG)
4. Coordinate with tribal governments and encourage their involvement in the transportation planning process. (ACOG, ODOT, FHWA)
5. Continue to identify and utilize appropriate tools to communicate with low income, minority, LEP, and other traditionally under-represented groups in accordance with Title VI of the 1964 Civil Rights Act and Environmental Justice regulations. Provide appropriate accommodations, as requested by individuals with disabilities, so they can access and participate in regular and special meetings. (ACOG, ODOT, COTPA, Norman-Transit)
6. Prepare public notices for proposed updates and amendments to the ACOG MPO Transportation Improvement Program and Metropolitan Transportation Plan. Notices of proposed TIP amendments will be published at least 10 days prior to the anticipated date of decision by the ACOG MPO Policy Committee, and notices of proposed Plan amendments will be published at least 30 days prior to the anticipated date of the ACOG MPO Policy Committee meeting. The ACOG MPO Policy Committee will conduct a public hearing prior to its decisions. (ACOG)

Review transportation plans annually, including the Transportation Improvement Program (TIP) and make changes based upon the ACOG MPO Technical Committee recommendations. COTPA and Norman-Transit will rely on the MPO's public notice of participation activities and time established for public review of the TIP as the primary way to satisfy Section 5307 public involvement requirements for the Program of Projects

(POP). The MPO (ACOG) TIP notices will reflect this arrangement and practice. (ACOG, COTPA, Norman-Transit)

7. Continue to implement and adjust as necessary the ACOG Public Participation Plan (PPP). Comments related to the transportation planning process and products will be documented and provided to the ACOG MPO Policy Committee to assist them in their decision making. ACOG will employ a consultant to conduct an audit of the MPO's outreach activities and public participation practices. (ACOG)
8. Prepare press releases, ACOG website data, blog posts, brochures, or other special publications explaining services available to local governments, aspects of regional planning and other general information. Special materials may also be prepared on issues such as air quality, congestion management, Intelligent Transportation Systems (ITS) planning, corridor preservation, Census results, connected and autonomous vehicles, alternative fuels, and other topics identified at the request of the Policy Committee. Materials will be prepared in languages other than English when appropriate and in accordance with ACOG's Limited English Proficiency (LEP) Plan. (ACOG)
9. Utilize the ACOG website and social media suite to provide information about the region's long-range metropolitan transportation plan and short-range transportation improvement program, including the plan summary, plan report, map of planned street and highway network improvements, and amendments to the TIP and long-range plan. (ACOG)
10. Maintain the electronic Transportation Improvement Program system (e-TIP) with a public interface for greater agency transparency for federally funded TIP and MTP projects, as well as a public comment section to encourage feedback. (ACOG)
11. Participate in public outreach events, including but not limited to: Bike to Work Day, BikeFest, Open Streets, GIS Day, Earth Day, and other events. (ACOG)

End Product

A record of public forums and meetings will be maintained. Newsletters, brochures, publications, and press releases will be distributed, as needed. Notices will be published in the local newspaper(s) regarding proposed amendments to the regional transportation plan and Transportation Improvement Program (TIP).

Technical memoranda and reports documenting program activities, including:

- 3.01 (8) – FY 2023 Public Outreach Activities

ELEMENT #4: TRANSPORTATION PLANNING ASSISTANCE AND COORDINATION

This element includes overseeing the effective operation of the organization through committee meetings, regular review of organizational structure and principles, certification requirements, and development and refinement of the Unified Planning Work Program (UPWP), local technical assistance projects, and other tasks.

Tasks Included:

[4.01 - Program Coordination and Certification Process](#)

[4.02 - Local Technical Assistance Projects](#)

Task 4.01: Program Coordination and Certification Process

Background Information

A major function of ACOG is general program coordination encompassing specific tasks concerned with the continued operation of the ACOG MPO Metropolitan Planning Organization (MPO). The specific tasks included ensure effective operation and provide forums to address local transportation issues and to establish policy. ACOG also provides for grants management, technical assistance, and continued certification of ACOG MPO by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) for receiving federal capital and planning assistance under federal and state statutes. Similarly, transit providers undergo a review by FTA to ensure compliance with federal regulations and guidelines.

Efforts are also undertaken to monitor and review the current work program and develop a comprehensive program for the following year.

Program Objective

Ensure that the transportation planning process is conducted in compliance with federal laws and guidance established by FHWA and FTA, state laws, and local statutes. Prepare documents necessary for the administration of the continuing planning process.

Program Activities

1. Provide for the administration of ACOG MPO, its committees and subcommittees, and consultation with local officials participating in the ACOG MPO planning process. Provide necessary preparation for meetings and conduct all work necessary for holding these meetings and follow-up thereafter. (ACOG)
2. Provide for the financial administration of ACOG MPO planning grants and programs, including preparation of planning grant applications and management of the UPWP budget and any necessary revisions. (ACOG)
3. Monitor the FY 2024 UPWP and revise or amend, if needed. Develop the FY 2025 UPWP to include task descriptions and budget. Summarize FY 2024 accomplishments for the FY 2025 UPWP.
 - a. Explore implementing recommendations from the 2020 MPO quadrennial recertification review by FHWA and FTA. Begin preparing for the 2024 MPO quadrennial review, anticipated in fall 2024. (ACOG)
4. Prepare annual joint certification statement for FY 2024. Develop the statement in cooperation with ODOT and COTPA to document the MPO's effectiveness in fulfilling federal requirements regarding the 3C transportation planning process. (ACOG)
5. Convene quarterly meetings to facilitate discussion and coordination between ODOT, FHWA, ACOG, and other MPOs. (ODOT)
6. Continue administration and enforcement of drug-free workplace policies and programs. COTPA will continue to work with Edmond Citylink transit to ensure their testing program is compliant with FTA standards and that the annual MIS report is submitted in a timely manner. Successfully address in training and through communications the impact of the legalization of medical marijuana and safety sensitive employees. (ACOG, COTPA, Norman-Transit)

7. Document program compliance for various tasks, including but not limited to air quality, Environmental Justice, equal employment opportunity, periodic self-evaluation, and other legislation and regulations, as necessary. (ACOG, COTPA, Norman-Transit)
 - a. COTPA will be working diligently to recruit employees that are representative of our diverse community.
 - b. COTPA will continue statistical monitoring of employee training and development. In addition, COTPA continues to expand training offerings to mid-level management and to all employees and will ensure anti-discriminatory trainings and AA/EEO Program guidelines are being utilized in training, promotion and hiring.
 - c. Continue to implement and adjust as necessary Title VI Plans. (ACOG, COTPA, Norman-Transit)
 - d. Continue to implement and adjust as necessary Limited English Proficiency (LEP) Plans. (ACOG, COTPA, Norman-Transit)
 - e. Continue implementing Disadvantaged Business Enterprises (DBE) Program Plans and prepare a set of new DBE participation goals. (COTPA, Norman-Transit)
 - f. Continue to monitor sub-recipient and contractor compliance. (ACOG, COTPA, Norman-Transit)
 - g. Transit Asset Management (TAM)
 - a. Norman-Transit will continue to work with ODOT as necessary to update the state group TAM plan and submit documents to FTA or ACOG as needed. (Norman-Transit)
 - b. Continue to implement and adjust TAM plan as necessary. (COTPA)
 - h. Public Transit Agency Safety Plans (PTASP)
 - a. Continue to implement and adjust PTASP as necessary. (COTPA)
 - i. COTPA and Norman-Transit will complete their continue working with FTA on their Triennial Reviews that began in FY 2023 and 2024 be finalized in FY 2024. Staff will send documents and meet with FTA review staff as requested. (COTPA, Norman-Transit)
 - j. Continue to conduct procurements with federal funds in a manner complying with federal guidance. Examples of potential procurements include fleet replacement, fleet expansion, technology infrastructure, software, maintenance needs, and projects supporting safety and security. (ACOG, COTPA, Norman-Transit)

End Product

Administrative and policy memoranda, reports and relevant documents as required for each activity, including:

- 4.01 (3) - FY 2025 Unified Planning Work Program

Task 4.02: Local Technical Assistance Projects

Background Information

During the fiscal year, staff responds to numerous requests for assistance from member local governments, state agencies, private organizations, and residents. Many of these requests relate to the ACOG MPO planning process, covering topics such as federal programs and funds established by the IIJA, project review, socioeconomic data, traffic counts, etc.

In the past, staff have also provided assistance to member entities for projects of a slightly larger scale than regular technical assistance requests.

Program Objective

Provide information and technical services to member entities in an effort to assist them in the areas of planning and facility management. As studies are completed, technical capabilities and refined databases are developed, allowing for increased utilization of these services and information. The objective is to assist member entities in the application of existing data and analytical capabilities for solving specific local problems. Staff will respond to requests by member entities for assistance in preserving or improving existing community areas and ensuring orderly growth and development.

Program Activities (all activities to be conducted by ACOG)

1. Provide information and transportation planning technical assistance upon request to assist local governments and sponsor agencies with acquiring socioeconomic, environmental, traffic, and land use data. Technical assistance and data support will be provided to COTPA, Norman-Transit, and other transit providers in the region for use in transit planning activities.
2. Monitor transportation related policy development as discussed in the Federal Register, Oklahoma Register, and the U.S. Department of Transportation website. Staff will also provide assistance in efforts to educate and inform local, state, and federal units of government regarding highway, bicycle and pedestrian, and transit related issues and priorities.
3. Continue to update, format, and catalog a set of standard regional information reports and databases to facilitate a timely response to requests.
4. Tabulate and analyze the technical assistance provided to local governments and others concerning the ACOG MPO transportation program.

End Product

An ongoing resource to provide service to sponsor agencies and local units of government. Measurement of this activity is conducted by each staff member who records all technical assistance.

ELEMENT #5: STAFF TRAINING AND MAINTENANCE AND PRODUCTION OF PLANNING RELATED DOCUMENTS

This element includes a task on providing adequate staff training to ensure that current, high-quality planning and research techniques are used in the Central Oklahoma transportation planning process. This element also includes work items to develop, maintain, and update all regional planning documents including technical reports, funding procedures, and other plan reports. These work items include the publication and re-publication of current planning documents to ensure the general availability of this information to interested persons and public officials.

Tasks Included:

[5.01 - Staff Training](#)

[5.02 - Planning Documents, Reports, and Data Dissemination](#)

Task 5.01: Staff Training

Background Information

Staff members from ACOG, OKC Traffic Management, COTPA, and Norman-Transit attend various workshops, courses, seminars, and conferences to keep up with the state-of-the-art techniques in transportation planning. Additionally, they learn about new federal policies and emphasis areas toward transportation in general.

Program Objective

Provide adequate staff training to ensure that current, high-quality planning and research techniques are used in the ACOG MPO Transportation Management Area.

Program Activities

(Activities under this task will be completed by ACOG, OKC Traffic Management, COTPA, and Norman-Transit on an as needed basis)

1. Attend transportation planning courses, training sessions, seminars, conferences, and webinars in order to maintain and enhance technical capacity of staff. Training sessions will include but not be limited to traffic data collection and analysis, transportation planning, traffic engineering and transportation systems management, FTA grants management, transit software, transit operations, improved transportation service to persons with disabilities, air quality emissions modeling, performance management, public involvement, and modeling and analysis software.
2. Attend professional development workshops, courses, seminars, webinars, and conferences and other such meetings related to transportation planning, transit security and grant programs.
3. Review transportation related literature and publications by staff to help keep up with state-of-the-art techniques.

End Product

- Technical training for staff.

Task 5.02: Planning Documents, Reports, and Data Dissemination

Background Information

Technical documents with information describing study, databases, methodology and results are produced for distribution to various committee members and other agencies connected with the transportation program.

Program Objective

Maintain a technical record of the transportation data gathering, data analysis, and planning procedures for future work consistency and time series review.

Program Activities

ACOG, OKC Traffic Management, COTPA, and Norman-Transit are responsible for preparation of their own reports. Progress reports are due quarterly to ACOG.

1. Document procedures, methods, and testing used for the transportation planning process in technical work papers or reports.
2. Document work by task activity for progress reports.
3. Continue to improve formats, standards, and metadata for maps, data, and reports. Promote data exchange, particularly in the areas of GIS data and computer-generated maps.

End Product

- Technical reports describing work accomplished for a specific UPWP subtask which are submitted to the ACOG MPO Technical Committee and ACOG MPO Policy Committee for their review and comment before finalization.
- Maps related to all or part of the ACOG MPO area.
- Progress reports.

ELEMENT #6: MANAGEMENT

This work item provides for the effective administration of the continuing planning process. Included under this item is the supervision and coordination of personnel assigned to the study and office management.

Task Included:

[6.01 - Direct Project Management](#)

Task 6.01: Direct Project Management

Background Information

This task provides for the management and support of ACOG MPO planning, research, and technical assistance activities. This includes responsibility for accounting, budgeting, and personnel management.

Program Objective

Provide for the effective administration of the ACOG MPO. Manage grants and contracts with ODOT, OKC Traffic Management, consultants, and other entities and agencies. Support the various transportation related committees; manage the ACOG MPO transportation planning staff; and maintain liaison with the affected public and private interests.

Program Activities (all activities to be conducted by ACOG)

1. Supervise personnel assigned to the ACOG MPO planning work. Monitor work on the UPWP and evaluate progress.
2. Prepare and maintain adequate records of correspondence, purchasing, grant applications, annual audit, and contracts.
3. Prepare progress reports to include accounting reports for ODOT, FHWA, and FTA.
4. Review federal policies and procedures as they relate to the 3-C urban transportation planning process. Analyze the IIJA, and any subsequent federal guidance, for its effect on the current planning process and recommend modifications as needed.

End Product

A U.S. Department of Transportation certified transportation planning process.

ATTACHMENT 1: MEMORANDUM OF UNDERSTANDING

BETWEEN THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS,
OKLAHOMA DEPARTMENT OF TRANSPORTATION,
CENTRAL OKLAHOMA TRANSPORTATION AND PARKING AUTHORITY, AND
CITY OF NORMAN, OKLAHOMA

WHEREAS, Section 134(a) of Title 23, and Section 5303 of Subtitle III of Title 49, U.S.C. require that federally funded projects be developed through a comprehensive, cooperative, and continuing transportation planning process; and

WHEREAS, the Association of Central Oklahoma Governments (ACOG) has been designated as the Metropolitan Planning Organization (MPO) for the Oklahoma City Metropolitan Area; and

WHEREAS, ACOG, the Oklahoma Department of Transportation (ODOT), the Central Oklahoma Transportation and Parking Authority (COTPA), and the City of Norman, Oklahoma (NORMAN) desire to maintain a comprehensive, cooperative, and continuing planning process for the ACOG MPO Area that results in the development of transportation goals and objectives, long and short-range transportation plans, and programs of implementation.

NOW, THEREFORE, ACOG, ODOT, COTPA and NORMAN enter into this agreement to carry out the comprehensive, cooperative, and continuing planning process for the ACOG MPO area as detailed below:

1. *ACOG MPO Policy Committee*

Responsibility for policy direction, plan selection and development of programs for plan implementation is vested in an ACOG MPO Policy Committee. The Policy Committee shall transmit all transportation policies, plans, and implementation programs to ACOG, the MPO, for review and endorsement.

The ACOG MPO PC membership is as follows:

- A. A designated elected official* from each of the transportation study area political subdivisions** listed below:

| | | | | |
|------------------|-------------|----------------|-----------------|----------------|
| Bethany | Del City | Lexington | Newcastle | Piedmont |
| Blanchard | Edmond | Logan County | Nichols Hills | Purcell |
| Canadian County | Forest Park | Luther | Nicoma Park | Slaughterville |
| Cedar Valley | Goldsby | McClain County | Noble | Spencer |
| Choctaw | Guthrie | Midwest City | Norman | Tuttle |
| Cleveland County | Harrah | Moore | Oklahoma City | The Village |
| Cole | Jones | Mustang | Oklahoma County | Warr Acres |
| | | | | Yukon |

* Each elected official shall be permitted to designate an alternate from his governing body to participate in his absence.
** Each additional political subdivision added to the transportation study area shall be permitted to designate a voting elected official to the committee.

- B. A designated trustee of the Oklahoma City Airport Trust or their designee.
- C. A designated trustee of the Central Oklahoma Transportation and Parking Authority or their designee.
- D. The City Manager of the City of Norman, Oklahoma or their designee.
- E. The Oklahoma Transportation Commissioner from Districts 3, 4, and 7 or their designees.
- F. The Division Engineer of the Oklahoma Department of Transportation Strategic Asset and Performance Management or their designee.
- G. The Division Manager of the Oklahoma Department of Transportation Multi-Modal Division or their designee.
- H. A non-voting representative from each of the following: Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA).

The Policy Committee shall meet regularly to perform the following duties:

- A. Review recommendations of the ACOG MPO Technical Committee and set policies for transportation planning.
- B. Direct development and adopt regional transportation plans and the Transportation Improvement Program (TIP); review transportation plans at least annually; and make changes based upon recommendations of the Technical Committee. In regard to the TIP, COTPA and NORMAN will rely on the MPO's public notice of participation activities and time established for public review of the TIP as the primary way to satisfy Section 5307 public involvement requirements for the Program of Projects (POP). The ACOG MPO TIP notices will continue to reflect this arrangement and practice.
- C. Recommend any changes in plans to the Planning Commission or City Councils of participating agencies and recommend methods of financing any changes.
- D. Elect a chairperson and hold meetings on a regular basis.
- E. Vote on business items before the Policy Committee provided a quorum of twelve (12) of the designated members is present. The ACOG staff has the primary administrative responsibility for maintaining the regional transportation plans and supporting documents necessary to serve the Policy Committee.
- F. Receive comments and observations from representatives of each federal agency in the United States Department of Transportation - Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA) - who will be requested to attend the Policy Committee meetings. From time to time, the different agency representatives will be asked to clarify new rules, regulations, or procedures affecting the Policy Committee decision process.

2. ACOG MPO Technical Committee

The technical advice and guidance for transportation planning is vested in the ACOG MPO Technical Committee. The Technical Committee consists of technical and professional personnel from the various participating agencies. This Committee reviews the technical aspects of the study and makes recommendations to the Policy Committee.

The Technical Committee membership is as follows:

Voting:

- A. Oklahoma Department of Transportation (ODOT) - Strategic Asset and Performance Management Division Engineer or designee.
- B. Oklahoma Department of Transportation (ODOT) - Multi-Modal Division Manager or designee.
- C. Local Government - Two official staff members from each of the member local governments, one designated as City or County Planner and one designated as City or County Engineer. In the absence of a staff member who is an engineer or planner, the Chief Executive Officer may serve; no consulting engineer or planner may serve on the committee.
- D. Association of Central Oklahoma Governments (ACOG) - Executive Director or designee.
- E. Central Oklahoma Transportation and Parking Authority (COTPA) - Administrator and one (1) delegate or designee.
- F. City of Norman, Oklahoma (NORMAN) - City Manager and one (1) delegate or designee.
- G. Oklahoma City Department of Airports - Director and one (1) delegate or designee.
- H. Oklahoma Aeronautics Commission - Director or designee.
- I. Oklahoma Department of Environmental Quality (ODEQ) - Director or designee.

Non-Voting:

- J. Areawide Aging Agency (AAA) - Executive Director or designee.
- K. Capitol-Medical Zoning Commission - Director or designee.
- L. Oklahoma Department of Transportation (ODOT) - Local Government Division Engineer or designee.
- M. Oklahoma Railroad Association - Director or designee.
- N. Oklahoma Turnpike Authority (OTA) - Chief Engineer or designee.
- O. Oklahoma Trucking Association - Director or designee.
- P. Tinker Air Force Base - Deputy Base Civil Engineer or Base Comprehensive Planner or designee.

- Q. Tribal Governments - Representatives in the ACOG MPO area or their designees.
- R. Federal Bureau of Indian Affairs (BIA) - Delegate or designee.
- S. U.S. Department of Transportation - FHWA, FTA and FAA delegates or designees.

The ACOG MPO Technical Committee may appoint other qualified individuals to full voting membership in order to utilize their professional expertise and to coordinate the transportation planning process activities with other planning areas such as airports, parking, bicycling, etc.


The Chairman of the Technical Committee shall be the ACOG Executive Director or his designee. Meetings shall be held on a regular basis to review technical procedures and advise the ACOG MPO Policy Committee. A quorum of the ACOG MPO Technical Committee shall consist of one-third of the most current appointments from designated voting membership including representatives from at least four member cities or counties; however, business conducted in the absence of a quorum shall be forwarded to the ITPC in the same manner as business conducted with a quorum, except the number of cities and counties represented shall be noted (in the minutes and in the transmittal to the ITPC) along with the statement that a quorum was not present.

3. *Unified Planning Work Program (UPWP)*



Detailed planning activities will be developed each year in a Unified Planning Work Program (UPWP) with the ACOG MPO Technical Committee and adopted by the ACOG MPO Policy Committee. ACOG, ODOT, COTPA and NORMAN agree to participate in the development of the UPWP each year so that it reflects a cooperative annual planning process. The UPWP will specify the annual work activities with the responsible agency, participating agency costs, and funding sources.

This Memorandum of Understanding has been approved through formal resolution or action of the Association of Central Oklahoma Governments, the Oklahoma Department of Transportation, the Central Oklahoma Transportation and Parking Authority, and the City of Norman, Oklahoma on or before the 7th day of July 2020.

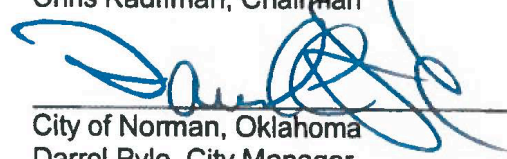
5-29-2020
Date


Association of Central Oklahoma Governments
Matt Dukes, Chairman

7/07/2020
6-5-20
Date



Central Oklahoma Transportation and Parking Authority
Chris Kauffman, Chairman

5-18-20
Date


City of Norman, Oklahoma
Darrel Pyle, City Manager

ATTACHMENT 2: ACOG MPO TECHNICAL COMMITTEE BYLAWS

- ARTICLE I. GENERAL
- ARTICLE II. PURPOSE
- ARTICLE III. STRUCTURE AND MEMBERSHIP
- ARTICLE IV. MEETINGS
- ARTICLE V. FUNCTION AND ROLE OF THE ITTC
- ARTICLE VI. GENERAL TRANSPORTATION ADVISORY ROLE
- ARTICLE VII. SEVERABILITY CLAUSE

ARTICLE I. GENERAL

- Section 1. **Name.** The technical advisory committee, as established by the Memorandum of Understanding, Section II, shall be known as the ACOG MPO Technical Committee.
- Section 2. **Effective Date.** These bylaws shall be effective immediately upon adoption by the ACOG MPO Policy Committee.
- Section 3. **Amendments to Bylaws.** These bylaws may be amended by a majority vote of the Policy Committee on their own motion. The Technical Committee may recommend amendments of the bylaws to the Policy Committee.

ARTICLE II. PURPOSE

- Section 1. **Purposes of the ACOG MPO Technical Committee.** The purposes of the Technical Committee shall include:
 - a. To serve in an advisory capacity to the ACOG MPO Policy Committee in all technical matters concerning and related to transportation.
 - b. To represent the regional intermodal transportation system interest in implementing these purposes and acting as the technical advisory committee.
 - c. To generate public interest in, and attention to, improvement of the intermodal transportation system of the transportation study area, and to coordinate with other transportation planning groups.
 - d. To assist the Policy Committee in providing planning and coordination with the local governments, Oklahoma Department of Transportation (ODOT), Federal Highway Administration (FHWA), Federal Aviation Administration (FAA), and Federal Transit Administration (FTA).
 - e. To respond to specific requests from the Policy Committee.

ARTICLE III. STRUCTURE AND MEMBERSHIP

Section 1. **Representation.** The Technical Committee membership shall be as follows:

Voting:

- a. Oklahoma Department of Transportation – Strategic Asset & Performance Management Division Manager or designee.
- b. Oklahoma Department of Transportation – Multi-Modal Division Manager or designee.
- c. Local Government - Two official staff members from each of the member local governments, one designated as City or County Planner and one designated as City or County Engineer. In the absence of a staff member who is an engineer or planner, the Chief Executive Officer may serve; no consulting engineer or planner may serve on the committee.
- d. Association of Central Oklahoma Governments (ACOG) - Executive Director or designee.
- e. Central Oklahoma Transportation and Parking Authority (COTPA) - Administrator and one (1) delegate or designee.
- f. City of Norman, Oklahoma (NORMAN) - City Manager and one (1) delegate or designee.
- g. Oklahoma City Department of Airports - Director and one (1) delegate or designee.
- h. Oklahoma Aeronautics Commission - Director or designee.
- i. Oklahoma Department of Environmental Quality - Director or designee.

Non-Voting:

- j. Areawide Aging Agency - Executive Director or designee.
- k. Capitol-Medical Zoning Commission - Director or designee.
- l. Oklahoma Department of Transportation – Local Government Division Engineer or designee.
- m. Oklahoma Railroad Association - Director or designee.
- n. Oklahoma Turnpike Authority - Chief Engineer or designee.
- o. Oklahoma Trucking Association - Director or designee.
- p. Tinker Air Force Base - Deputy Base Civil Engineer or Base Comprehensive Planner or designee.
- q. Tribal Governments - Representatives in the ACOG MPO area or their designees.
- r. Federal Bureau of Indian Affairs (BIA) - Delegate or designee.
- s. U.S. Department of Transportation - Federal Highway Administration (FHWA), Federal Transit Administration (FTA) and Federal Aviation Administration (FAA) delegates or designees.

The technical advisory committee may appoint other qualified individuals to full voting membership in order to utilize their professional expertise and to coordinate the transportation planning process activities with other planning areas such as airports, parking, bicycling, etc.

The Technical Committee Chair shall be notified in writing of the appointment, reappointment or replacement of a member agency representative's member.

Section 2. **Alternate Members.** Alternate representatives may be designated to act on behalf of voting and non-voting members with all the privileges accorded thereto provided the alternate is an official staff member of the member agency. The Technical Committee Chair shall be notified in writing of the appointment, reappointment or replacement of a member agency representative's alternate. An alternate may vote only in the absence of the regular member he or she represents.

Section 3. **Proxies.** Each member shall have the power to appoint a proxy who is not already a member or alternate of the Technical Committee to act in the member's capacity at any meeting in the event the member or alternate cannot attend, if the proxy designation is made:

- a. In writing for a specific period of time, or
- b. By telephone or personal contact with the ACOG Executive Director or designee for one meeting.

A designated proxy, as provided in this section, shall have the right to exercise one vote in all individual proceedings and shall not be permitted to exercise one or more proxies on behalf of other members or alternates.

Section 4. **Terms.** Voting members shall be designated for appointment for an indefinite term by the governing body or chief executive of their agency and may serve as long as qualified under Section 1 above.

Section 5. **Vacancies.** In the event of a vacancy on the Technical Committee, said vacancy shall be filled according to the procedures of Article III, Section 4 above.

Section 6. **Membership Attendance.** Any member, alternate or his/her designated proxy who has not attended three (3) consecutive regular monthly meetings may be contacted by the ACOG staff to discuss attendance at subsequent meetings either by the member, alternate or proxy.

If the member, alternate or proxy fails to attend a subsequent meeting, this may be reported to the appropriate Policy Committee member or Chief Executive making such designation for appointment.

Section 7. **Members' Obligation.** The members of the Technical Committee are charged with the duty to conduct themselves as representatives of the transportation system as a whole with the purpose of improving intermodal transportation in the transportation planning area.

Section 8. **Chairman.** The Chairman of the Technical Committee shall be the ACOG Executive Director or his/her designee.

Section 9. **Subcommittees.** The Technical Committee shall have the power to create subcommittees of a temporary or permanent nature.

Section 10. **Subcommittee Membership.** Appointment of members to the Technical Committee subcommittees shall be by the Chairman. Chairman of the various subcommittees shall be appointed by the Chairman of the Technical Committee. Subcommittee chairmen must be members of the Technical Committee.

ARTICLE IV. MEETINGS

Section 1. **Meeting Time.** The regular monthly meeting date and time of the Technical Committee shall be established by the Technical Committee with concurrence by the Policy Committee. The schedule of meetings shall be posted according to state law.

Section 2. **Meeting Notice; Minutes.** The ACOG Transportation Planning Services staff will send out a meeting notice to all members one week in advance of the meeting. Staff will include all agenda items for discussion at the meeting in the meeting notice. Agenda items for regularly scheduled monthly meetings shall be submitted to the ACOG staff no later than two weeks before each meeting. Addendums to the agenda shall be prepared in accordance with the requirements of the Oklahoma Open Meeting Act. Minutes shall be prepared by ACOG staff for each meeting and subcommittee meeting. Such minutes shall accurately reflect the conduct of the meeting, all activities and relevant discussion occurring at the meeting, and a record of all votes taken. Tape recordings of all meetings shall be preserved at least 12 months from the date of the meeting and be available for review by any interested party.

Section 3. **Quorum.** A quorum of the ACOG MPO Technical Committee shall consist of one-third of the most current appointments from designated voting membership including representatives from at least four member cities or counties; however, business conducted in the absence of a quorum shall be forwarded to the Policy Committee in the same manner as business conducted with a quorum, except the number of cities and counties represented shall be noted (in the minutes and in the transmittal to the Policy Committee) along with the statement that a quorum was not present.

Section 4. **Open Meetings.** All meetings of the Technical Committee shall be conducted with no restrictions on the attendance of observers, citizens or the press, and shall comply with all requirements of the Oklahoma Open Meeting Act.

Section 5. **Voting.** All voting members, as specified in Article III, Section 1, their alternates or proxies shall have the right to exercise one vote per designated representative. For entities that have two representatives, both representatives are eligible to vote if they are present.

- a. Non-voting members shall retain the right to advisory comments on all proceedings, which shall be recorded and reflected in all minutes and reports to the Policy Committee.
- b. Voting on all proceedings of the Technical Committee shall be based on the majority of those regular members, alternates or proxies present and voting, not a majority of total membership.
- c. No entity shall make and second its own motion.

ARTICLE V. FUNCTION AND ROLE OF THE TECHNICAL COMMITTEE

Section 1. **Function.** The function of the Technical Committee shall be:

- a. To act as an advisory committee to the Policy Committee and provide for the Policy Committee technical review, recommendations and information.
- b. To serve as a committee which reviews and recommends to the Policy Committee annually, a draft Unified Planning Work Program (UPWP) prepared by the ACOG staff in cooperation with participating entities. This shall include review and recommendation of the scope, content, and work products of the UPWP; this shall also include an oversight function during the progress of the year.
- c. To serve as a committee which reviews and recommends to the Policy Committee a draft Transportation Improvement Program (TIP), plans, and policy statements prepared in cooperation with the ACOG staff.
- d. To act as a technical resource to review and comment on the procedures used during the performance of work elements and during preparation of reports.
- e. To review the federal aid allocation procedures and methodology and present recommendations to the Policy Committee as required.

ARTICLE VI. GENERAL TRANSPORTATION ADVISORY ROLE

Section 1. **Advisory Function.** The Technical Committee may, upon its own motion, bring important matters relative to transportation to the attention of the Policy Committee. Such advice and/or recommendations may be accompanied by a request from the Technical Committee for formal Policy Committee action.

ARTICLE VII. SEVERABILITY CLAUSE

Section 1. **Severability.** If any section, subsection, sentence, clause, phrase, or portion of these bylaws is for any reason held invalid by the Policy Committee, said portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of these bylaws.

Bylaws amended and approved by the
ACOG MPO Policy Committee: May 28, 2020

Administrative Changes: June 14, 2022

File Attachments for Item:

19. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-55: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, NORMAN TAX INCREMENT FINANCE AUTHORITY, NORMAN MUNICIPAL AUTHORITY, THE NORMAN UTILITIES AUTHORITY, NORMAN ECONOMIC DEVELOPMENT AUTHORITY AND MUNICIPAL FINANCE SERVICES, INC., TO PROVIDE FINANCIAL ADVISORY SERVICES TO THE CITY OF NORMAN.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 08/08/2023

REQUESTER: Anthony Francisco, Director of Finance

PRESENTER: Anthony Francisco, Director of Finance

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-55: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, NORMAN TAX INCREMENT FINANCE AUTHORITY, NORMAN MUNICIPAL AUTHORITY, THE NORMAN UTILITIES AUTHORITY, NORMAN ECONOMIC DEVELOPMENT AUTHORITY AND MUNICIPAL FINANCE SERVICES, INC., TO PROVIDE FINANCIAL ADVISORY SERVICES TO THE CITY OF NORMAN.

BACKGROUND:

The City of Norman, Norman Tax Increment Finance Authority, Norman Municipal Authority, Norman Utilities Authority and Norman Economic Development Authority have contracted with Municipal Finance Services of Edmond, Oklahoma (MFS) and First Southwest Company of Houston, Texas, for financial advisory services since adoption of Contract K-9697-37, on July 10, 1996. The Agreement provides for financial advisory services related to proposed and approved debt issuances of the City of Norman and its related trusts. The contract was amended on October 10, 2016 to comply with updated Securities Exchange Commission (SEC) and Municipal Security Rulemaking Board (MSRB) regulations, to add advisory services related to tax increment finance districts, and for adjustments to the compensation schedules. First Southwest Corporation was succeeded by Hilltop Securities, under the terms of the City's Financial Advisor Agreement, in 2018. On August 11, 2020 the contract was amended to remove Hilltop Securities as a part of the Financial Advisory team, as Hilltop Securities wanted to participate as a potential underwriter on the City's debt issuances.

Municipal Financial Services has ably aided the City's Finance Department and City Attorney in these various financial functions since the adoption of the Agreement.

DISCUSSION:

Under new standards of the MSRB, financial advisory agreements must be reviewed and/or renewed on an annual basis. While no major changes are anticipated to the City's agreement with MFS, this newly annualized contract is brought forward for Council and Trustees consideration.

RECOMMENDATION:

It is recommended that the City Council and Trustees of the Norman Municipal Authority, Norman Tax Increment Finance Authority, Norman Utilities Authority and Norman Economic Development Authority approve the amended Financial Advisor Service Agreement.

July 25, 2023

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is entered by and among MUNICIPAL FINANCE SERVICES, INC. (“MFSOK”) and The City of Norman, Oklahoma, and its public trusts including the Norman Municipal Authority and the Norman Utilities Authority (collectively, the “Client”).

The Client desires to engage MFSOK and agrees as follows:

I. Scope of Services.

Some or all of the following services listed below shall be provided under this Agreement and pertain to the Client’s new and outstanding debt obligations, including general obligation bonds, revenue bonds, bank notes, lease financings, and loans from the Oklahoma Water Resources Board or other state or federal agencies during the term of the Agreement (the “Issues”). The Client designates MFSOK as the Client’s independent registered municipal advisor (“IRMA”) for purposes of SEC Rule 15Ba1-1(d)(3)(vi) (the “IRMA Exemption”).

A. New Issue and Refunding of Existing Client Issues

1. Evaluate options or alternatives with respect to the proposed new Issue.
2. Provide financial analysis to the Client to assist in understanding the benefits, costs, and risks of the proposed new Issue.
3. Review recommendations made by other parties to the Client.
4. Assist Client in preparing a plan of finance.
5. Advise Client on structure, terms and timing of the proposed new Issue.
6. Prepare financing schedule.
7. Attend meetings as requested by the Client.
8. Assist the Client in preparation of their loan applications, loan proposals, offering documents, notices of sale, instructions to bidders, or official statements, as appropriate.
9. Coordinate as appropriate with Client staff, legal representatives, government agencies, accountants, auditors, engineers, consultants, rating agencies, banks, lenders, placement agents, trustees, paying agents, escrow agents, bond insurers and other credit enhancers, to facilitate the plan of finance.
10. If new Issue is a competitive bond sale, assist Client in collecting and analyzing bids submitted by underwriters and selecting the winning bidder.
11. If new Issue is a loan, assist Client in collecting and analyzing proposals submitted by banks.
12. If the new Issue is a negotiated bond sale, assist client in selecting an underwriter and coordinate the bond sales process.
13. Coordinate closing of the new Issue with Client and other parties.
14. Evaluate potential refunding opportunities on outstanding Issues.
15. Estimate of Needs review or preparation.

- B. Other Services Under Separate Agreement. If requested by Client, MFSOK may provide other services including but not limited to:
1. Utility rate analysis.
 2. Debt capacity analysis.
 3. Cash defeasance or redemption services.
- C. Continuing Disclosure Assistance
1. Assisting the Client annually in compiling the financial information and operating data set forth in their Continuing Disclosure Agreement ("CDA") included in any Official Statement; and
 2. If necessary, assisting the Client in preparing their "Failure to File Notice" should documents not be available for filing within the prescribed time frame designated in the CDA; and
 3. Upon request, assisting the Client in their submission of the aforementioned information to the Electronic Municipal Marketplace Access system ("EMMA").

MFSOK and the Client acknowledge that the Client will engage Bond Counsel and other legal service providers under separate contracts. MFSOK may rely on opinions and advice from legal representatives of the Client and will not be held responsible for any legal advice, directly or indirectly, rendered by the legal representatives.

Neither MFSOK as Municipal Advisor nor its Municipal Advisor Representatives are licensed to engage in the practice of law and, consequently, will offer no legal advice. None of the fee for services under this Agreement relates to legal services. If such legal services are necessary, it shall be the responsibility of the Client to obtain them.

MFSOK's services are limited to those specifically set forth herein.

II. Compensation and Reimbursements

- A. New Issues and Refunding Issues. MFSOK shall be paid at the time of closing a fee calculated as follows on each transaction:
1. For a bank loan/note or lease financing – 0.50% of the principal amount, with a minimum fee of \$17,500.00.
 2. For a loan through the Oklahoma Water Resources Board, including the Clean Water State Revolving Fund (CWSRF), the Drinking Water State Revolving Fund (DWSRF), or the Financial Assistance Program (FAP) - 0.50% of the principal amount, with a minimum fee of \$25,000.00.
 3. For revenue bonds, 0.35% of the principal amount, with a minimum fee of \$25,000.00 and maximum fee of \$80,000.00.
 4. For general obligation bonds, 0.25% of the principal amount, with a minimum fee of \$10,000.00 and maximum fee of \$40,000.00.
- B. Compensation for Continuing Disclosure Assistance. MFSOK will receive a fee annually of \$2,000.00 for the services performed.
- C. Expenses for New Issues and Refunding Issues. MFSOK shall also be paid a fixed amount of \$1,500.00 per transaction to cover expenses incurred as part of the transaction, provided that any filing, publication, recording or printing costs or similar third-party costs required in connection with the Issue shall be paid directly by the Client.
- D. Payment and Contingency for New Issues and Refunding Issues. Payment for all fees and expenses shall be made at closing from proceeds of the Issue or from other available funds of the Client and shall be contingent upon closing of the Issue.

E. Other Services Under Separate Agreement. If requested by Client, MFSOK may provide other services including but not limited to:

1. Utility rate analysis.
2. Debt capacity analysis.
3. Cash defeasance or redemption services.

III. Term and Termination

- A. Term of Agreement. Unless terminated as provided herein, the terms of this Agreement shall be in place from the date approved by the Client until **June 30, 2024**.
- B. Termination of Agreement and Services. This Agreement and all services to be rendered hereunder may be terminated at any time by written notice from either party, with or without cause, with at least thirty (30) days' notice. In that event, all finished and unfinished documents prepared for the Client, shall, at the option of Client, become its property and shall be delivered to it or any party it may designate, provided that MFSOK shall have no liability whatsoever for any subsequent use of such documents.

IV. Successors and Assigns

MFSOK may not assign its obligations under this Agreement without the written consent of Client except to a successor partnership or corporation to which all or substantially all of the assets and operations of MFSOK are transferred. Client may assign its rights and obligations under this Agreement to (but only to) any other public entity that incurs the loan. Client shall not otherwise assign its rights and obligations under this Agreement without written consent of MFSOK. All references to MFSOK and Client in this Agreement shall be deemed to refer to any successor of MFSOK and to any such assignee of Client and shall bind and inure to the benefit of such successor and assignee whether so expressed or not.

V. Municipal Advisor Registration and Acknowledgement

Pursuant to Municipal Securities Rulemaking Board Rule (MSRB) G-10, on Investor and Municipal Advisory Client Education and Protection, Municipal Advisors are required to provide certain written information to their municipal advisory client and/or obligated person clients which include the following:

Municipal Finance Services, Inc. is currently registered as a Municipal Advisor with the U.S. Securities and Exchange Commission (SEC) and the MSRB.

Within the MSRB website at www.msrb.org, the Client may obtain the Municipal Advisory client brochure that is posted on the MSRB website. The brochure describes the protections that may be provided by the MSRB Rules along with how to file a complaint with financial regulatory authorities.

VI. Conflict of Interest Statement

As of the date of this agreement, MFSOK has performed a reasonable diligence to determine if there are any conflicts of interest that should be brought to the attention of the Client. During the diligence process, MFSOK has determined that no material conflict of interest has been identified, however, would like to provide the following disclosures:

MFSOK serves a wide variety of other clients that may from time to time have interests that could have a direct or indirect impact on the interests of another MFSOK client. For example, MFSOK serves as municipal advisor to other clients and, in such cases, owes a regulatory duty to such other clients just as it does to the Client. These other clients may, from time to time and depending on the specific circumstances, have competing interests.

In acting in the interests of its various clients, MFSOK could potentially face a conflict of interest arising from these competing client interests. MFSOK fulfills its regulatory duty and mitigates such conflicts through dealing honestly and with the utmost good faith with its clients.

The compensation arrangement included in Section II includes a component that is based on the size and completion of a transaction. Consistent with certain regulatory requirements, MFSOK hereby discloses that such contingent and/or transactional compensation presents a conflict of interest regarding MFSOK's ability to provide unbiased advice to enter into such transaction. The contingent fee arrangement creates an incentive for MFSOK to recommend unnecessary financings or financings that are disadvantages to the client, or to advise client to increase the size of the issue. This viewed conflict of interest will not impair MFSOK's ability to render unbiased and competent advice or to fulfill its fiduciary duty. The fee paid to MFSOK increases the cost of borrowing to the Client. The increased cost occurs from compensating MFSOK for municipal advisory services provided.

If MFSOK becomes aware of any other actual or potential conflict of interest not mentioned above during this agreement, MFSOK will promptly provide the Client a supplement written disclosure with sufficient details of the change, if any, which will allow the Client to evaluate the situation.

VII. Legal Events and Disciplinary History

A regulatory disclosure action has been made on MFSOK's Form MA and on Form MA-I for two of MFSOK's municipal advisory personnel relating to a 2017 U.S. Securities and Exchange Commission ("SEC") order. The details of which are available in Item 9; C (2), C (4), C (5) and the corresponding regulatory action DRP section on Form MA and Item 6: C (2), C (4), C (5), C (6) and the corresponding regulatory action DRP section on Form MA-I for both Rick A. Smith and Jon Wolff. In addition, the Oklahoma Department of Securities adopted the above proceedings which are identified in Item 9; D (2), D (4) and the corresponding regulatory action DRP section on Form MA.

The Client may electronically access MFSOK's most recent Form MA and each most recent Form MA-I filed with the Commission at the following website:

www.sec.gov/edgar/searchedgar/companysearch.html.

There has been no change to any legal or disciplinary event that has been disclosed on MFSOK's SEC registration for MA filings since December 18, 2017.

VIII. Fiduciary Duty

MFSOK is registered as a Municipal Advisor with the SEC and MSRB. As such, MFSOK has a Fiduciary duty to the Client and must provide both a Duty of Care and a Duty of Loyalty that entails the following.

Duty of Care:

- A. exercise due care in performing its municipal advisory activities;
- B. possess the degree of knowledge and expertise needed to provide the Client with informed advice;
- C. make a reasonable inquiry as to the facts that are relevant to the Client's determination as to whether to proceed with a course of action or that form the basis for any advice provided to the Client; and

- D. undertake a reasonable investigation to determine that MFSOK is not forming any recommendation on materially inaccurate or incomplete information; MFSOK must have a reasonable basis for:
- a. any advice provided to or on behalf of the Client;
 - b. any representations made in a certificate that it signs that will be reasonably foreseeably relied upon by the Client, any other party involved in the municipal securities transaction or municipal financial product, or investors in the Client's securities; and
 - c. any information provided to the Client or other parties involved in the municipal securities transaction in connection with the preparation of an official statement.

Duty of Loyalty:

MFSOK must deal honestly and with the utmost good faith with the Client and act in the Client's best interests without regard to the financial or other interests of MFSOK. MFSOK will eliminate or provide full and fair disclosure (included herein) to Client about each material conflict of interest (as applicable). MFSOK will not engage in municipal advisory activities with the Client as a municipal entity, if it cannot manage or mitigate its conflicts in a manner that will permit it to act in the Client's best interests. As of the date of receipt of this attachment, MFSOK has performed a reasonable diligence to determine if there are any conflicts of interest that should be brought to the attention of the Client.

IX. Recommendations

If MFSOK makes a recommendation of a municipal securities transaction or municipal financial product or if the review of a recommendation of another party is requested in writing by the Client and is within the scope of the engagement, MFSOK will determine, based on the information obtained through reasonable diligence of MFSOK whether a municipal securities transaction or municipal financial product is suitable for the Client. In addition, MFSOK will inform the Client of:

- A. the evaluation of the material risks, potential benefits, structure, and other characteristics of the recommendation;
- B. the basis upon which MFSOK reasonably believes that the recommended municipal securities transaction or municipal financial product is, or is not, suitable for the Client; and
- C. whether MFSOK has investigated or considered other reasonably feasible alternatives to the recommendation that might also or alternatively serve the Client's objectives.

If the Client elects a course of action that is independent of or contrary to the advice provided by MFSOK, MFSOK is not required on that basis to disengage from the Client.

X. Record Retention

Pursuant to SEC and MSRB record retention regulations, Municipal Finance Services, Inc. will maintain in writing, all communication and created documents between Municipal Finance Services, Inc. and the Client for six (6) years.

Notices

Any and all notices pertaining to this Agreement shall be sent by U.S. Postal Service, first class, postage prepaid to:

MFSOK:

Municipal Finance Services, Inc.
Attn: Jon Wolff
PO Box 747
Edmond, OK 73083-0747

CLIENT:

City of Norman, OK
Attn: Chairman
P.O. Box 370
Norman, OK 73070

Acceptance

If there are any questions regarding the above, please do not hesitate to contact MFSOK. If the foregoing terms meet with your approval, please indicate your acceptance by executing all original copies of this letter and keeping one copy for your file.

By signing this agreement, the Client acknowledges the provisions set forth in the agreement and understands its respective rights, duties, and responsibilities. Furthermore, the Scope of Services contained herein have been reviewed and are hereby approved.

Client and MFSOK have entered into this Agreement by the duly authorized representatives which was approved on August 8, 2023, at a meeting duly called and held in full compliance with the Oklahoma Open Meeting Act.

MUNICIPAL FINANCE SERVICES, INC.

By: _____
Jon Wolff, President

ATTEST:

CITY OF NORMAN

By: _____
City Clerk

By: _____
Mayor

ATTEST:

NORMAN MUNICIPAL AUTHORITY

By: _____
Secretary

By: _____
Chairman

ATTEST:

NORMAN UTILITIES AUTHORITY

By: _____
Secretary

By: _____
Chairman

Approved by City of Norman Legal Department
By: _____ Date _____

File Attachments for Item:

20. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-22: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, IS REQUESTING \$588,855.09 IN STP-UZA-SAFETY FUNDS FOR THE INSTALLATION OF A TRAFFIC SIGNAL ON 36TH AVENUE NW AT BART CONNER DRIVE IN NORMAN.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: August 8, 2023

REQUESTER: Katherine Coffin

PRESENTER: David Riesland, Transportation Engineer

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-22: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA REQUESTING \$588,855.09 IN STBG-UZA-SAFETY FUNDS FOR THE INSTALLATION OF A TRAFFIC SIGNAL ON 36TH AVENUE NW AT BART CONNER DRIVE IN NORMAN.

BACKGROUND:

The 2022 – Infrastructure Investment and Jobs Act (IIJA Act) federal transportation funding bill allocates approximately \$40 Million in Federal funds per year for the implementation of eligible transportation improvements in the Oklahoma City Metropolitan Area. Ten percent (10%) of this appropriation is used to fund safety projects at 100% of their construction cost.

Every year, the Association of Central Oklahoma Governments (ACOG) coordinates a regional evaluation process that identifies transportation improvements eligible for federal funding. Individual projects are rated and compared to one another using a pre-established criterion. The process ends with the formulation of the region's transportation improvement program and the decision to use federal funds to pay for a significant portion of the cost of the higher priority projects.

DISCUSSION:

On or before October 31, 2023, staff will submit the twenty highest ranked projects for consideration in the formulation of ACOG's 2026-2027 Transportation Improvement Program update. To be eligible, each submitted project must have a programming resolution submitted for the project. The Resolution that is submitted must match the most recent cost estimate and, if approved, will be resubmitted to ACOG at this time.

RECOMMENDATION:

Staff recommends approval of Resolution R-2324-22 (36th Avenue NW at Bart Conner Drive Traffic Signal Installation) requesting \$588,855.09 in Federal Surface Transportation Block Grant/Urbanized Area SAFETY IIJA funds for 100% of the construction cost.

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, IS REQUESTING \$588,855.09 IN STP-UZA-SAFETY FUNDS FOR THE INSTALLATION OF A TRAFFIC SIGNAL ON 36TH AVENUE NW AT BART CONNER DRIVE IN NORMAN.

- § 1. WHEREAS, Federal STP/UZA funds have been made available for the construction of eligible urban projects; and
- § 2. WHEREAS, the Council of the City of Norman has selected a roadway improvement project described as follows:

Traffic Signal Installation on 36th Avenue NW at Bart Conner Drive

- § 3. WHEREAS, the engineer's preliminary estimate of total construction cost is \$588,855.09 and Federal participation under the terms of the 2022 –Infrastructure Investment and Jobs Act (IIJA Act), relating to STP/UZA - Safety funds is hereby requested in the amount of \$588,855.09 or 100% of the construction cost.
- § 4. WHEREAS, the City of Norman will arrange for a qualified engineer to furnish engineering services for the preparation of detailed plans, specifications, and estimates; and
- § 5. WHEREAS, the City of Norman agrees to provide satisfactory maintenance after completion; and
- § 6. WHEREAS, the City of Norman agrees to provide, at its sole cost, all required right-of-way necessary and to relocate any utilities required/affected by this project; and
- § 7. WHEREAS, the City of Norman agrees, as a condition to receiving any Federal financial assistance from the Oklahoma Department of Transportation, that it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42. U.S.C. 2000d et seq., and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, "Nondiscrimination of Federally-Assisted Programs of the Oklahoma Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964"; and
- § 8. WHEREAS, the City of Norman agrees to become jointly responsible, with the Oklahoma Department of Transportation and the contractor as co-applicants, for meeting all Environmental Protection Agency (E.P.A.) requirements for storm water runoff from this project. Further, if required, the City agrees to file jointly with the Department and the contractor, the general National Pollutant Discharge Elimination System (N.P.D.E.S.) permit with the E.P.A. which authorizes the storm water discharges associated with activity from the construction site identified in this resolution; and



R-2324-22

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

§ 9. That the State Transportation Commission is hereby requested to concur in the selection of this project for construction and to submit same to the Federal Highway Administration for their approval.

PASSED AND ADOPTED THIS _____ day of _____, 2023.

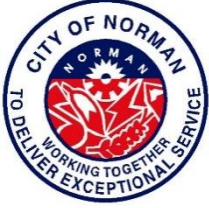
Mayor

ATTEST:

City Clerk

File Attachments for Item:

21. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-23: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, REQUESTING \$573,885.09 IN STP-UZA-SAFETY FUNDS FOR THE INSTALLATION OF A TRAFFIC SIGNAL TO BE INSTALLED ON 36TH AVENUE NW AT CASCADE BOULEVARD IN NORMAN.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: August 8, 2023

REQUESTER: Katherine Coffin

PRESENTER: David Riesland, Transportation Engineer

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-23: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, REQUESTING \$573,885.09 IN STP-UZA-SAFETY FUNDS FOR THE INSTALLATION OF A TRAFFIC SIGNAL TO BE INSTALLED ON 36TH AVE NW AT CASCADE BOULEVARD IN NORMAN.

BACKGROUND:

The 2022 Infrastructure Investment and Jobs Act (IIJA Act) federal transportation funding bill allocates approximately \$40 Million in Federal funds per year for the implementation of eligible transportation improvements in the Oklahoma City Metropolitan Area. Ten percent (10%) of this appropriation is used to fund safety projects at 100% of their construction cost.

Every year, the Association of Central Oklahoma Governments (ACOG) coordinates a regional evaluation process that identifies transportation improvements eligible for federal funding. Individual projects are rated and compared to one another using a pre-established criterion. The process ends with the formulation of the region's transportation improvement program and the decision to use federal funds to pay for a significant portion of the cost of the higher priority projects.

DISCUSSION:

On or before October 31, 2023, staff will submit the twenty highest-ranked projects for consideration in the formulation of ACOG's 2026-2027 Transportation Improvement Program update. To be eligible, each submitted project must have a programming resolution submitted for the project. The Resolution that is submitted must match the most recent cost estimate and, if approved, will be resubmitted to ACOG at this time.

RECOMMENDATION:

Staff recommends approval of Resolution R-2324-23 (36th Avenue NW at Cascade Boulevard Traffic Signal Installation) requesting \$573,885.09 in Federal IIJA Surface Transportation Block Grant/Urbanized Area SAFETY funds for 100% of the construction cost.

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, REQUESTING \$573,885.09 IN STP-UZA-SAFETY FUNDS FOR THE INSTALLATION OF A TRAFFIC SIGNAL TO BE INSTALLED ON 36TH AVENUE NW AT CASCADE BOULEVARD IN NORMAN.

- § 1. WHEREAS, Federal STP/UZA funds have been made available for the construction of eligible urban projects; and
- § 2. WHEREAS, the Council of the City of Norman has selected a roadway improvement project described as follows:

Traffic Signal Installation on 36th Avenue NW at Cascade Boulevard

- § 3. WHEREAS, the engineer's preliminary estimate of total construction cost is \$573,885.09 and Federal participation under the terms of the 2022 –Infrastructure Investment and Jobs Act (IIJA Act), relating to STP/UZA - Safety funds is hereby requested in the amount of \$573,885.09 or 100% of the construction cost.
- § 4. WHEREAS, the City of Norman will arrange for a qualified engineer to furnish engineering services for the preparation of detailed plans, specifications, and estimates; and
- § 5. WHEREAS, the City of Norman agrees to provide satisfactory maintenance after completion; and
- § 6. WHEREAS, the City of Norman agrees to provide, at its sole cost, all required right-of-way necessary and to relocate any utilities required/affected by this project; and
- § 7. WHEREAS, the City of Norman agrees, as a condition to receiving any Federal financial assistance from the Oklahoma Department of Transportation, that it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42. U.S.C. 2000d et seq., and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, "Nondiscrimination of Federally-Assisted Programs of the Oklahoma Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964"; and
- § 8. WHEREAS, the City of Norman agrees to become jointly responsible, with the Oklahoma Department of Transportation and the contractor as co-applicants, for meeting all Environmental Protection Agency (E.P.A.) requirements for storm water runoff from this project. Further, if required, the City agrees to file jointly with the Department and the contractor, the general National Pollutant Discharge Elimination System (N.P.D.E.S.) permit with the E.P.A. which authorizes the storm water discharges associated with activity from the construction site identified in this resolution; and



R-2324-23

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

- § 9. That the State Transportation Commission is hereby requested to concur in the selection of this project for construction and to submit same to the Federal Highway Administration for their approval.

PASSED AND ADOPTED THIS _____ day of _____, 2023.

Mayor

ATTEST:

City Clerk

File Attachments for Item:

22. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-28: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA REQUESTING \$366,577.68 IN STBG-UZA-SAFETY FUNDING FOR THE INSTALLATION OF CCTV CAMERA UPGRADES (PHASE 1) AT VARIOUS INTERSECTIONS IN NORMAN.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: August 8, 2023

REQUESTER: Katherine Coffin

PRESENTER: David Riesland, Transportation Engineer

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-28: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA REQUESTING \$366,577.68 IN STBG-UZA-SAFETY FUNDING FOR THE INSTALLATION OF CCTV CAMERA UPGRADES (PHASE 1) AT VARIOUS INTERSECTIONS IN NORMAN.

BACKGROUND:

The 2022 –Infrastructure Investment and Jobs Act (IIJA Act) federal transportation funding bill allocates approximately \$40 million in Federal funds per year for the implementation of eligible transportation improvements in the Oklahoma City metropolitan area. Ten percent of this appropriation is used to fund safety projects at 100% of their construction cost.

Every year, the Association of Central Oklahoma Governments (ACOG) coordinates a regional evaluation process that identifies transportation improvements eligible for federal funding. Individual projects are rated and compared to one another using a pre-established criterion. The process ends with the formulation of the region’s transportation improvement program and the decision to use federal funds to pay for a significant portion of the cost of the higher priority projects.

DISCUSSION:

On or before October 31, 2023, staff will submit the twenty highest ranked projects for consideration in the formulation of ACOG’s 2026-2027 Transportation Improvement Program update. To be eligible, each submitted project must have a programming resolution submitted for the project. The resolution that is submitted must match the most recent cost estimate and, if approved, will be resubmitted to ACOG at this time.

RECOMMENDATION:

Staff recommends approval of Resolution R-2324-28, CCTV Camera Upgrades (Phase 1) at Various Intersections (Vicinity Map attached), requesting \$366,577.68 in Federal Surface Transportation Block Grant/Urbanized Area-SAFETY funds for 100% of the construction cost.

R-2324-28

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, REQUESTING \$366,577.68 IN STBG-UZA-SAFETY FUNDING FOR THE INSTALLATION OF CCTV CAMERA UPGRADES (PHASE 1) AT VARIOUS INTERSECTIONS IN NORMAN.

- § 1. WHEREAS, Federal STP/UZA funds have been made available for the construction of eligible urban projects; and
- § 2. WHEREAS, the Council of the City of Norman has selected a roadway improvement project described as follows:

CCTV Camera Upgrades (Phase 1) at Various Intersections

- § 3. WHEREAS, the engineer's preliminary estimate of total construction cost is \$366,577.68 and Federal participation under the terms of the 2022 –Infrastructure Investment and Jobs Act (IIJA Act), relating to STP/UZA - Safety funds is hereby requested in the amount of \$366,577.68 or 100% of the construction cost.
- § 4. WHEREAS, the City of Norman will arrange for a qualified engineer to furnish engineering services for the preparation of detailed plans, specifications, and estimates; and
- § 5. WHEREAS, the City of Norman agrees to provide satisfactory maintenance after completion; and
- § 6. WHEREAS, the City of Norman agrees to provide, at its sole cost, all required right-of-way necessary and to relocate any utilities required/affected by this project; and
- § 7. WHEREAS, the City of Norman agrees, as a condition to receiving any Federal financial assistance from the Oklahoma Department of Transportation, that it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42. U.S.C. 2000d et seq., and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, "Nondiscrimination of Federally-Assisted Programs of the Oklahoma Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964"; and
- § 8. WHEREAS, the City of Norman agrees to become jointly responsible, with the Oklahoma Department of Transportation and the contractor as co-applicants, for meeting all Environmental Protection Agency (E.P.A.) requirements for storm water runoff from this project. Further, if required, the City agrees to file jointly with the Department and the contractor, the general National Pollutant Discharge Elimination System (N.P.D.E.S.) permit with the E.P.A. which authorizes the storm water discharges associated with activity from the construction site identified in this resolution; and

R-2324-28

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


§ 9. That the State Transportation Commission is hereby requested to concur in the selection of this project for construction and to submit same to the Federal Highway Administration for their approval.

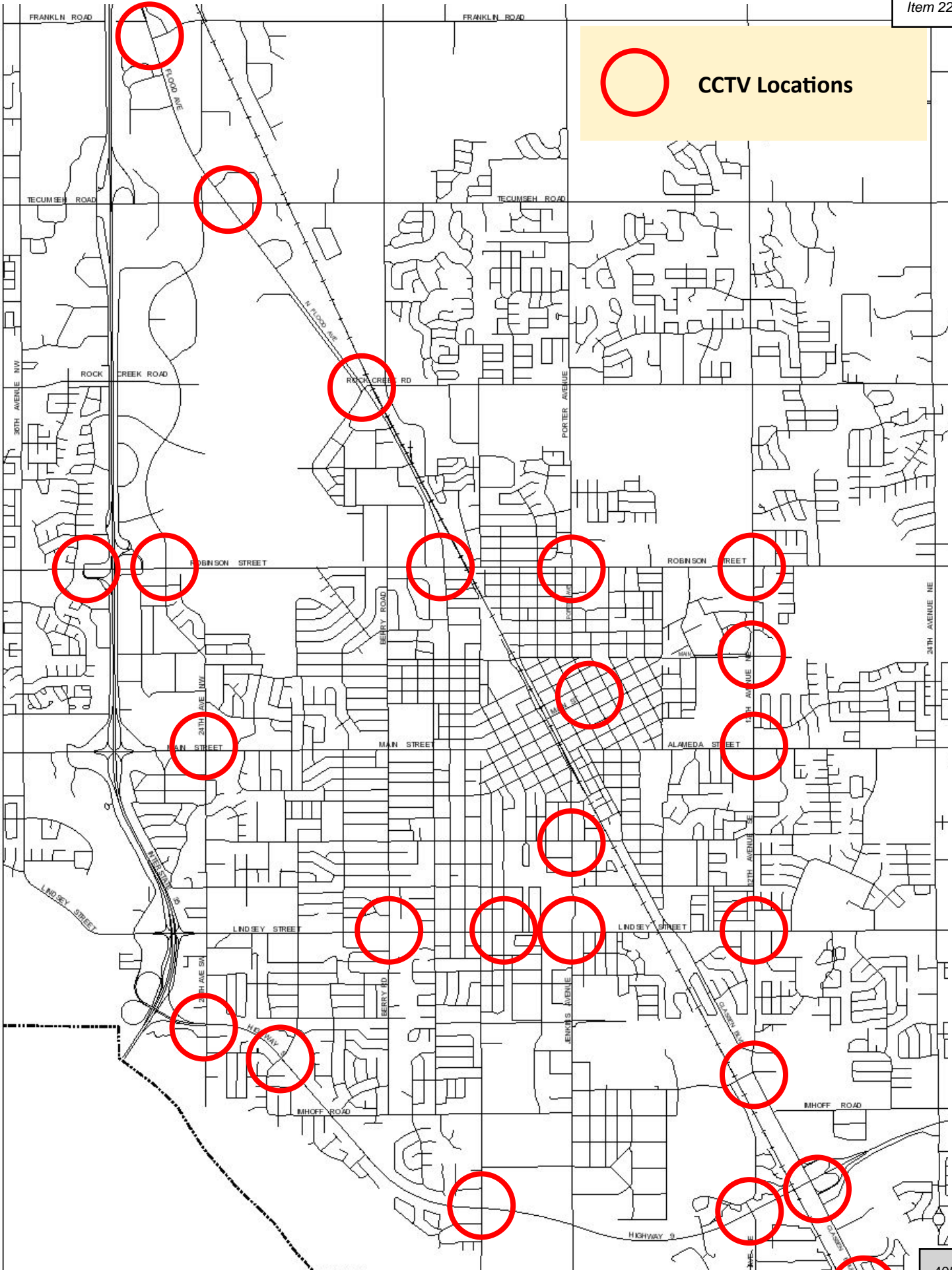
PASSED AND ADOPTED THIS _____ day of _____, 2023.

Mayor

ATTEST:

City Clerk

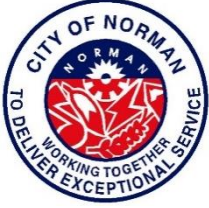
 **CCTV Locations**



Classen at Cedar Lane

File Attachments for Item:

23. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-29: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA REQUESTING \$7,500,000 IN STBG-UZA FUNDING FOR IMPROVEMENTS TO 36TH AVENUE NW BETWEEN TECUMSEH ROAD AND FRANKLIN ROAD IN NORMAN.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: August 8, 2023

REQUESTER: Katherine Coffin

PRESENTER: David Riesland, Transportation Engineer

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-29: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA REQUESTING \$7,500,000 IN STBG-UZA FUNDING FOR IMPROVEMENTS TO 36TH AVENUE NW BETWEEN TECUMSEH ROAD AND FRANKLIN ROAD IN NORMAN.

BACKGROUND:

The 2022 –Infrastructure Investment and Jobs Act (IIJA Act) federal transportation funding bill allocates approximately \$40 Million in Federal funds per year for the implementation of eligible transportation improvements in the Oklahoma City metropolitan area. Ten percent of this appropriation is used to fund safety projects at 100% of their construction cost.

Every year, the Association of Central Oklahoma Governments (ACOG) coordinates a regional evaluation process that identifies transportation improvements eligible for federal funding. Individual projects are rated and compared to one another using a pre-established criterion. The process ends with the formulation of the region’s transportation improvement program and the decision to use federal funds to pay for a significant portion of the cost of the higher priority projects.

DISCUSSION:

On or before October 31, 2023, staff will submit the twenty highest ranked projects for consideration in the formulation of ACOG’s 2026-2027 Transportation Improvement Program update. To be eligible, each submitted project must have a programming resolution submitted for the project. The resolution that is submitted must match the most recent cost estimate and, if approved, will be resubmitted to ACOG at this time.

RECOMMENDATION:

Staff recommends approval of Resolution R-2324-29, requesting \$7,500,000 in Federal Surface Transportation Block Grant/Urbanized Area (STBG/UZA) funds for 61.04% of construction cost for the 36th Avenue NW Improvements, between Tecumseh Road and Franklin Road project.

R-2324-29

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, REQUESTING \$7,500,000 IN STBG-UZA FUNDING FOR IMPROVEMENTS TO 36TH AVENUE NW BETWEEN TECUMSEH ROAD AND FRANKLIN ROAD IN NORMAN.

- § 1. WHEREAS, Federal STP/UZA funds have been made available for the construction of eligible urban projects; and
- § 2. WHEREAS, the Council of the City of Norman has selected a roadway improvement project described as follows:
- Widening and traffic signal installation on 36th Avenue NW between Tecumseh Road and Franklin Road**
- § 3. WHEREAS, the engineer's preliminary estimate of total construction cost is \$12,286,214.45 and Federal participation under the terms of the 2022 –Infrastructure Investment and Jobs Act (IIJA Act), relating to STP/UZA funds is hereby requested in the amount of \$7,500,000.00 or 61.04% of the construction cost.
- § 4. WHEREAS, the City of Norman will arrange for a qualified engineer to furnish engineering services for the preparation of detailed plans, specifications, and estimates; and
- § 5. WHEREAS, the City of Norman agrees to provide satisfactory maintenance after completion; and
- § 6. WHEREAS, the City of Norman agrees to provide, at its sole cost, all required right-of-way necessary and to relocate any utilities required/affected by this project; and
- § 7. WHEREAS, the City of Norman agrees, as a condition to receiving any Federal financial assistance from the Oklahoma Department of Transportation, that it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42. U.S.C. 2000d et seq., and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, "Nondiscrimination of Federally-Assisted Programs of the Oklahoma Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964"; and
- § 8. WHEREAS, the City of Norman agrees to become jointly responsible, with the Oklahoma Department of Transportation and the contractor as co-applicants, for meeting all Environmental Protection Agency (E.P.A.) requirements for storm water runoff from this project. Further, if required, the City agrees to file jointly with the Department and the contractor, the general National Pollutant Discharge Elimination System (N.P.D.E.S.) permit with the E.P.A. which authorizes the storm water discharges associated with activity from the construction site identified in this resolution; and

R-2324-29

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

§ 9. That the State Transportation Commission is hereby requested to concur in the selection of this project for construction and to submit same to the Federal Highway Administration for their approval.

PASSED AND ADOPTED THIS _____ day of _____, 2023.

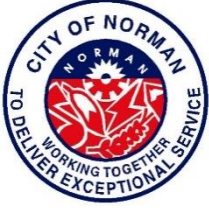
Mayor

ATTEST:

City Clerk

File Attachments for Item:

24. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-30: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA REQUESTING \$6,721,436.07 IN STBG-UZA FUNDING FOR IMPROVEMENTS TO THE TECUMSEH ROAD INTERSECTIONS WITH 24TH AVENUE NW AND WITH FLOOD AVENUE IN NORMAN.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: August 8, 2023

REQUESTER: Katherine Coffin

PRESENTER: David Riesland, Transportation Engineer

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-30: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA REQUESTING \$6,721,436.07 IN STBG-UZA FUNDING FOR IMPROVEMENTS TO THE TECUMSEH ROAD INTERSECTIONS WITH 24TH AVENUE NW AND WITH FLOOD AVENUE IN NORMAN.

BACKGROUND:

The 2022 –Infrastructure Investment and Jobs Act (IIJA Act) federal transportation funding bill allocates approximately \$40 million in Federal funds per year for the implementation of eligible transportation improvements in the Oklahoma City metropolitan area. Ten percent of this appropriation is used to fund safety projects at 100% of their construction cost.

Every year, the Association of Central Oklahoma Governments (ACOG) coordinates a regional evaluation process that identifies transportation improvements eligible for federal funding. Individual projects are rated and compared to one another using a pre-established criterion. The process ends with the formulation of the region’s transportation improvement program and the decision to use federal funds to pay for a significant portion of the cost of the higher priority projects.

DISCUSSION:

On or before October 31, 2023, staff will submit the twenty highest ranked projects for consideration in the formulation of ACOG’s 2026-2027 Transportation Improvement Program update. To be eligible, each submitted project must have a programming resolution submitted for the project. The resolution that is submitted must match the most recent cost estimate and, if approved, will be resubmitted to ACOG at this time.

RECOMMENDATION:

Staff recommends approval of Resolution R-2324-30, requesting \$6,721,436.07 in Federal Surface Transportation Block Grant/Urbanized Area (STBG/UZA) funds for 80% of the construction cost of the Improvements to the Tecumseh Road Intersections with 24th Avenue NW and Flood Avenue project.

R-2324-30

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, REQUESTING \$6,721,436.07 IN STBG-UZA FUNDING FOR IMPROVEMENTS TO THE TECUMSEH ROAD INTERSECTIONS WITH 24TH AVENUE NW AND WITH FLOOD AVENUE IN NORMAN.

- § 1. WHEREAS, Federal STP/UZA funds have been made available for the construction of eligible urban projects; and
- § 2. WHEREAS, the Council of the City of Norman has selected a roadway improvement project described as follows:

Widening and traffic signal installation at the Tecumseh Road intersections with 24th Avenue NW and with Flood Avenue

- § 3. WHEREAS, the engineer's preliminary estimate of total construction cost is \$8,401,795.09 and Federal participation under the terms of the 2022 –Infrastructure Investment and Jobs Act (IIJA Act), relating to STP/UZA funds is hereby requested in the amount of \$6,721,436.07 or 80% of the construction cost.
- § 4. WHEREAS, the City of Norman will arrange for a qualified engineer to furnish engineering services for the preparation of detailed plans, specifications, and estimates; and
- § 5. WHEREAS, the City of Norman agrees to provide satisfactory maintenance after completion; and
- § 6. WHEREAS, the City of Norman agrees to provide, at its sole cost, all required right-of-way necessary and to relocate any utilities required/affected by this project; and
- § 7. WHEREAS, the City of Norman agrees, as a condition to receiving any Federal financial assistance from the Oklahoma Department of Transportation, that it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42. U.S.C. 2000d et seq., and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, "Nondiscrimination of Federally-Assisted Programs of the Oklahoma Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964"; and
- § 8. WHEREAS, the City of Norman agrees to become jointly responsible, with the Oklahoma Department of Transportation and the contractor as co-applicants, for meeting all Environmental Protection Agency (E.P.A.) requirements for storm water runoff from this project. Further, if required, the City agrees to file jointly with the Department and the contractor, the general National Pollutant Discharge Elimination System (N.P.D.E.S.) permit with the E.P.A. which authorizes the storm water discharges associated with activity from the construction site identified in this resolution; and

R-2324-30

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

§ 9. That the State Transportation Commission is hereby requested to concur in the selection of this project for construction and to submit same to the Federal Highway Administration for their approval.

PASSED AND ADOPTED THIS _____ day of _____, 2023.

Mayor

ATTEST:

City Clerk

File Attachments for Item:

25. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-31: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SUBMIT, EXECUTE, AND FILE AN APPLICATION ON BEHALF OF THE CITY OF NORMAN WITH THE US DEPARTMENT OF TRANSPORTATION TO AID IN THE FINANCING OF PLANNING, CAPITAL AND/OR ASSISTANCE PROJECTS PURSUANT TO 49 U.S.C. SECTION 5307 AND SECTION 5339 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SET FORTH AND EXECUTE POLICIES IN CONNECTION WITH THE PROGRAM OF PROJECTS, BUDGETS, AND PROCUREMENT NEEDS.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 08/8/2022

REQUESTER: Taylor Johnson, Transit and Parking Program Manager

PRESENTER: Shawn O'Leary, Director of Public Works

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-31: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SUBMIT, EXECUTE, AND FILE AN APPLICATION ON BEHALF OF THE CITY OF NORMAN WITH THE US DEPARTMENT OF TRANSPORTATION TO AID IN THE FINANCING OF PLANNING, CAPITAL AND/OR ASSISTANCE PROJECTS PURSUANT TO 49 U.S.C. SECTION 5307 AND SECTION 5339 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SET FORTH AND EXECUTE POLICIES IN CONNECTION WITH THE PROGRAM OF PROJECTS, BUDGETS, AND PROCUREMENT NEEDS.

BACKGROUND:

The City of Norman is a designated recipient for the following US Department of Transportation (USDOT) federal grant funds under 49 U.S.C.: Section 5307, Public Transit Systems in Urbanized Areas; and Section 5339, Bus and Bus Facilities. The City of Norman must file a grant application with the Federal Transit Administration (FTA) for these funds and provide the necessary assurances of compliance with federal laws.

DISCUSSION:

Subject to funding from Congress, the FTA annually allocates funds to assist transit agencies in the United States. The City of Norman is the designated recipient of FTA funds for the Norman Urbanized Area but has to submit, execute, and file grant applications annually to receive the allocated federal funding. In addition, the City of Norman must comply with federal regulations and laws in order to receive the funding.

Through the passage of the Bipartisan Infrastructure Law (BIL) and subsequent funding authorization by Congress, Norman's Federal Fiscal Year (FFY) 2023 apportionment (which the City will use for fiscal year 2024 expenses) for section 5307 funds is \$2,384,883 and for section 5339 it is \$197,103 (includes unused funds from Ft. Smith AK-OK). Section 5307 funds, combined with local matching funds, are used on an annual basis for general transit expenses, such as operations, preventive maintenance, ADA paratransit operations, planning activities,

and required security projects. Section 5339 funds are generally used for capital activities, such as vehicle replacements, and are paired with local matching funds as they are available.

RECOMMENDATION:

Staff recommends approval of Resolution R-2324-31, authorizing the City Manager or his designee to submit, execute, and file grant applications to the FTA during fiscal year 2023-2024 and to set forth and execute policies in connection with the program of projects, budgets, and procurement needs.

R-2324-31

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SUBMIT, EXECUTE, AND FILE ANNUAL NON-COMPETITIVE GRANT APPLICATIONS UNDER 49 U.S.C. §§ 5307 AND 5339 AND ANY CORRESPONDING REQUIRED ASSURANCES OR OTHER SUPPORTING DOCUMENTATION ON BEHALF OF THE CITY OF NORMAN WITH THE U.S. DEPARTMENT OF TRANSPORTATION TO AID IN THE FINANCING OF PUBLIC TRANSIT IN URBANIZED AREAS AND BUS AND BUS FACILITIES PLANNING, CAPITAL, AND/OR ASSISTANCE PROJECTS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SET FORTH AND EXECUTE POLICIES IN CONNECTION WITH THE PROGRAMMING OF PROJECTS, BUDGETS, AND PROCUREMENT NEEDS.

- § 1. WHEREAS, the Secretary of the United States Department of Transportation (USDOT) is authorized to make grants for a mass transportation program of projects and budgets; and
- § 2. WHEREAS, the City of Norman is a designated recipient for USDOT federal grants under 49 U.S.C. § 5307, Public Transit Systems in Urbanized Areas, and 49 U.S.C. § 5339, Bus and Bus Facilities, and
- § 3. WHEREAS, the City of Norman must submit, execute, and file grant applications with the Federal Transit Administration (FTA) annually to receive these federal funds and provide the necessary assurances of compliance with federal laws.

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

- § 4. THAT the City Manager or his designee is hereby authorized to submit, execute, and file annual non-competitive grants under 49 U.S.C. §§ 5307 and 5339 and any corresponding required assurances or other supporting documentation in order to secure USDOT federal funding to aid in the financing of public transit in Urbanized Areas and Bus and Bus Facilities planning, capital, and/or assistance projects; and
- § 5. THAT the City Manager or his designee is hereby authorized to set forth and execute policies in connection with the programming of projects, budgets, and procurement needs.

PASSED AND ADOPTED this 8th day of August, 2023.

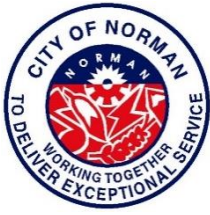
Mayor

ATTEST:

City Clerk

File Attachments for Item:

26. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF RESOLUTION R-2324-36: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE YOUNG FAMILY ATHLETIC CENTER (YFAC) FACILITIES POLICY MANUAL FOR THE OPERATION OF YFAC BY THE CITY OF NORMAN PARKS AND RECREATION DEPARTMENT.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 08/08/2023

REQUESTER: Jason Olsen, Director of Parks and Recreation

PRESENTER: Jason Olsen, Director of Parks and Recreation

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF RESOLUTION R-2324-36: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE YOUNG FAMILY ATHLETIC CENTER (YFAC) FACILITIES POLICY MANUAL FOR THE OPERATION OF YFAC BY THE CITY OF NORMAN PARKS AND RECREATION DEPARTMENT.

BACKGROUND:

In October of 2015, Norman citizens passed the Norman Forward Initiative, funding various projects through a ½% sales tax increase over 15 years. The Norman Forward Initiative included projects to construct a new Multi-Sport Complex and Indoor Aquatic Facility.

The Multi-Sport Complex and Indoor Aquatic Facility were initially proposed as separate projects. After extensive public input and consideration by the City Council, acting as Trustees of the Norman Municipal Authority (NMA), these projects were combined into one more extensive project in 2018, located at the southeast corner of 24th Avenue NW and Rock Creek Road. This new sports and aquatic complex will include eight full-sized basketball or 12 volleyball courts; a 25-meter, eight-lane lap pool; a 25-yard, four-lane warm-up pool; concession stands; retail space; administration offices; and, through a partnership with Norman Regional Health System (NRHS), a health and wellness clinic to be placed between the multi-sports and aquatic complexes.

Oklahoma City firm Frankfurt, Short, Bruza (FSB) was selected as the project's architectural and engineering (A/E) consultant in March 2018. The building and the project were named the Young Family Athletic Center ("YFAC") in July of 2021 (K-2122-27) after the Trae Young Family Foundation (TYFF) agreed to donate \$4,000,000 to the construction of the building. NRHS has committed a minimum of \$6.7 million through a contract approved by the City Council in June of 2023 (K-2122-99) towards constructing a human sports and performance clinic inside the YFAC called "N-Motion."

DISCUSSION:

On February 9, 2021, the City entered into a Memorandum of Understanding (K-2021-93) with the Columbus Corporation of Oklahoma City dba Santa Fe Family Life Center (SFFLC) to develop a contractual agreement to operate the YFAC.

This past May, operator contract negotiations with SFFLC ceased for their organization to become the YFAC operator. Due to the complexities of the request of both Community Groups and the City, it became apparent to the Parks and Recreation Department that the risks associated with operations of the YFAC would be better for both Sante Fe and the City if we went in a different direction.

The Parks Department provided updates to the Norman Forward Sales Tax Citizen's Financial Oversight Board at its meeting on July 18, 2023 and to the Norman Forward Indoor Aquatic and Multi-Sport Facility Ad Hoc Group at its meeting on July 24, 2023. Presentation and discussion focused on the proposal that the City operate the facility and included the proposed maintenance and operation budget, revenue projects, fee schedule and the YFAC Facility Policy Manual. Both groups accepted the proposal that the City operate the facility and the associated business plan and policy manual. A similar update was provided to the Norman Parks Board on August 3 and they similar endorsed the City's operation of the YFAC and recommended Council adopted the Young Family Athletic Center Facility Policy Manual as presented.

At the July 25, 2023, Council Conference, the Parks Department gave a presentation with back-up information that would make the Parks and Recreation Department the operator of the YFAC. Parks presented a maintenance and operation budget, revenue projections, fee schedule, and YFAC Facility Policy Manual that would need to be adopted by the City Council.

The YFAC Facility Policy Manual will give the Director of Parks and Recreation (" Director") authority to set the pricing schedule and fees, which include membership fees, day passes, rental and event fees, or other general fees associated with the YFAC. The Director can also enter into agreements with Community/Operational partners to rent the YFAC for events, practices, or meetings. The Director also can enter into sponsorship or marketing agreements with groups at the YFAC on behalf of the City of Norman. All of the policies mentioned above must be annual agreements to be reviewed and recommended by the Norman Park Board of Commissioners before any changes take place.

The YFAC Facility Policy Manual also includes a Community and Operational Partners list and a Fee Schedule. The policy also includes event rentals, party or practice rentals, a payment policy, and a cancellation policy related to the YFAC.

RECOMMENDATION:

It is recommended that the City Council adopt R-2324-36, the Young Family Athletic Center Facility Policy Manual for the Parks and Recreation Department as Operators of the YFAC.

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE YOUNG FAMILY ATHLETIC CENTER (YFAC) FACILITIES POLICY MANUAL FOR THE OPERATION OF YFAC BY THE CITY OF NORMAN PARKS AND RECREATION DEPARTMENT.

- § 1. WHEREAS, the Norman citizens passed the Norman Forward initiative in October of 2015; and
- § 2. WHEREAS, the Norman Forward Initiative included plans to construct a separate Multi-Sport Facility and Indoor Aquatic Facility; and
- § 3. WHEREAS, after public input and consideration of the trustees of the Norman Municipal Authority (NMA), these projects were combined into one project; and
- § 4. WHEREAS, this new sports complex is located at southeast corner of 24th Avenue NW and Rock Creek Road; and
- § 5. WHEREAS, the Trae Young Family Foundation (TYFF) agreed to donate \$4,000,000 to the construction of the building and assist with scholarships and other operational needs to ensure the facility's success; and
- § 6. WHEREAS, Norman Regional Health System (NRHS) is fully funding the construction of a human sports and performance clinic inside the YFAC called N-Motion; and
- § 7. WHEREAS, the YFAC will contain eight full-sized basketball or 12 volleyball courts, a 25-meter pool, a 25-yard warm-up pool, concession stands, retail space, and administration offices; and
- § 8. WHEREAS, after issuing a Request for Proposal and conducting interviews, the City entered into a Memorandum of Understanding with the Columbus Corporation of Oklahoma City d/b/a Santa Fe Family Life Center on February 9, 2021 and continued to negotiate a final operating agreement until May of 2023, when both parties agreed to cease negotiations; and
- § 9. WHEREAS, on July 25, 2023, staff gave a presentation at the Council Conference proposing that the Parks and Recreation Department operate the YFAC; and
- § 10. WHEREAS, staff's presentation on July 25, 2023 also included discussion of the proposed YFAC Facility Policy Manual; and



§ 11. WHEREAS, staff is in discussion with over one dozen potential tournaments to be held at the YFAC and adoption of the YFAC Policy Manual is necessary to move forward with those bookings; and

§ 12. WHEREAS, based on the feedback of Council, the proposed YFAC Facility Policy Manual is being presented to Council for formal consideration.

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

§ 13. THAT, the YFAC Facility Policy Manual, attached hereto as Exhibit A, is hereby adopted.

PASSED AND ADOPTED this _____ day of _____, 2023.

Mayor

ATTEST:

City Clerk

YFAC FACILITIES POLICY MANUAL

Introduction and Purpose

The Young Family Athletic Center (YFAC) is owned and operated by the City of Norman Parks and Recreation Department. The YFAC has eight (8) basketball courts, 12 volleyball courts, an eight (8) lane 25-meter competition pool, and a four (4) lane recreation pool. Norman Regional Hospital Systems (NRHS) will perform sports medicine with Ortho Central and N-Motion clinics inside the YFAC.

Authority of the Director of Parks and Recreation

The Director of Parks and Recreation (the “Director”) sets the pricing schedule and fees, which will be reviewed annually and updated on the recommendation of the Norman Board of Park Commissioners.

The Director can also enter into an agreement on behalf of the City of Norman with a Community/Operational partner annually for the rental of the YFAC for events, practices, or meetings. Community/Operational Partner Agreements will be reviewed annually by the Norman Board of Park Commissioners.

The Director will set the Fee Schedule, which includes membership and day pass costs, rental and event fees, and other general fees associated with access to the YFAC. The Fee Schedule will be set based on recommendations from the Norman Board of Park Commissioners.

The Director is responsible for entering into sponsorship or marketing agreements with businesses/groups at the YFAC on behalf of the City of Norman. Marketing and Sponsorship agreements will be reviewed annually by the Norman Board of Park Commissioners.

Any update or change to the YFAC Booking & Sponsorship Policies must be at the Recommendation of the Norman Board of Park Commissioners and approved by the Norman City Manager.

YFAC Mission

- The mission of the Young Family Athletic Center (YFAC) is to enrich the quality of life and health through competition and recreational leisure through sports, aquatics, fitness, special events, and various activities in a safe, fun, and family environment.

Definitions

1. **Fee Schedule** – the cost table showing the fixed costs for the public to use or rent YFAC. The Director of Parks and Recreation sets the Fee Schedule on the Norman Board of Parks Commissioners' recommendations. (Exhibit A)
2. **Community/Operational Partner** – a community/operational partner will be defined at the YFAC as a School, Sports Club, or local non-profit that fits in the mission of the YFAC and will be allowed to enter into annual agreements with the Parks and Recreation Department. The Parks and Recreation

Department will keep a Community/Operational Partners list. The partners will be recommended through the Norman Board of Park Commissioners and approved by the Director of Parks and Recreation. (Exhibit B)

- 3. **Event Rental** – Event rental is for a person, group, business, or non-profit involving 25 or more people using the Athletic or Aquatics areas for athletic competition, banquet, concert, or other miscellaneous event.
- 4. **Practice or Private Party Rental** – A practice or private party will be defined as a small group of people (25 or less) that use a section of the Athletic or Aquatic meeting room areas for either a practice or a small private party for a group, business, or non-profit.

YFAC Facility

The YFAC Facility is multi-purpose to meet the varied needs of the community. Portions of the Facility available for rent are listed below.

- 1. **Multi-Sport Gymnasium**
 - o Basketball/Volleyball Courts – The YFAC can be configured for up to 8 basketball courts and/or 12 volleyball courts with bleachers for each court
 - o Tournament Office Space
 - o Tournament Ticketing Window
- 2. **Competition and Recreation Pools**
 - o Eight (8) lane 25 meter competition pool
 - o Four (4) lane recreation pool
- 3. **Women’s Aquatic Locker Rooms**
- 4. **Men’s Aquatic Locker Rooms**
- 5. **Aquatic Family Changing Rooms**
- 6. **Meeting Rooms**
- 7. **NRHS Clinic Space**

Scheduling Policies and Procedures

1. Community/Operational Partner Rentals

Community/Operational Partners must enter into annual agreements that specify all YFAC spaces to be used, dates and times for usage, and fees to be paid. Such agreements shall set forth the reservation payment terms, insurance requirements, and any other applicable and reasonable term(s) related to the use of the YFAC by such Partner.

2. Event Rentals

- a. Reservations for the YFAC can be made up to two (2) years in advance for event rentals and be made no less than 14 days before the event.
- b. Reservations are on a first-come, first-served basis. The YFAC/Parks and Recreation Department cannot guarantee a reservation until the rental is paid in full.
- c. To reserve dates as an event rental at the YFAC, a deposit of at least 20% must be paid when the facility is reserved. Without this, a reservation is not valid. Lessee must be at least 18 years old to enter into a contract. Signed agreements are binding.
- d. All rental fees, layouts, security forms, cleaning fees, deposits, sponsorship, and agreements with NRHS for sports medicine or other additional costs associated with the event must be paid in full before the start of the rental per the terms of the contract.
- e. Admission fees proposed by Community/Operational Partners or for event rentals must be submitted and approved by the YFAC/Parks and Recreation Department when the rental agreement is submitted.
- f. Event times at the YFAC must end no later than 11:00 p.m. on Sunday-Thursday, with the YFAC completely vacated by midnight. Events must end by midnight on Friday & Saturday, with the building vacated by 1:00 a.m.
- g. Event rental fees are subject to different rental fees than practice or private party rentals.
- h. Alcohol can be approved at events with the written permission of the Director of Parks and Recreation. Alcohol will not be allowed at youth events under any circumstances.
- i. Any event at the YFAC will require proof of insurance that reflects coverage for activities with one million-dollar liability insurance showing the City of Norman, Oklahoma, as a Certificate Holder or Additional Insured.
- j. AFTER PAYING ALL FEES, the YFAC/Parks & Recreation Department will issue a facility rental permit. The permit will be mailed or emailed. If the permittee pays in person at our downtown office, Parks and Recreation will provide a copy of the permit at purchase.
- k. Permits are issued only for the individual or organization whose name is on the permit. If a transfer is requested, the permittee must request an amendment with the YFAC/Parks & Recreation Department.
- l. The permittee should take a copy of the permit to their scheduled event in case of a conflict.

3. Private Practice or Private Party Rentals

- a. Reservation for practices/parties can be made up to 120 days in advance.
- b. Reservations must be scheduled during regular operating hours for the YFAC and are subject to availability.
- c. Each group is limited to a maximum of two rentals per week.
- d. Any cancellations will be subject to the City's cancellation policy.
- e. If renting more than 50% of the lanes in the competition pool, renter will be required to rent the entire pool.
- f. Discounts for the meeting rooms are available if rented in tandem with the Multi-Purpose Gym or the Competition or Recreation Pools.

Payment Policy

- Payment can be made by cash, personal check, cashier's check, money order, or credit card.
- Payment for Events must be paid in full two weeks (14 Days) before the start of the rental.
- Payment for Non-Event rentals is due at the time of booking.
- Personal checks cannot be accepted for reservations made less than 14 days before the rental date.

Cancellation Policy

All cancellations of contracted events must be submitted to City in writing and will be subject to a cancellation fee that will be deducted from any refunded deposits.

- Reservation Deposits will be forfeited in full if an event is canceled less than one hundred and eighty (180) days before the event.
- Deposits reservation will be forfeited in full if a practice is canceled less than forty-eight (48) hours before the practice.
- The YFAC/Parks and Recreation Department reserves the right to cancel any event or practice for any reason.
- Events or practices that the YFAC/Parks and Recreation Department cancels will be fully refunded to the lessee.

For Questions about this policy or to rent the YFAC, please contact the Young Family Athletic Center 405-321-9322 / YFAC@normanok.gov or the Norman Parks and Recreation Department at [405-366-5472](tel:405-366-5472)/ParksRec@normanok.gov.

EXHIBIT A

Memberships

| | | | |
|-------------------------|-----------------|---------|-------|
| Individual Annual Pass | Norman Resident | \$300 | year |
| Family Annual Pass | Norman Resident | \$960 | year |
| Individual Monthly Pass | Norman Resident | \$30 | month |
| Family Monthly Pass | Norman Resident | \$100 | month |
| Individual Annual Pass | Non-Resident | \$360 | year |
| Family Annual Pass | Non-Resident | \$1,200 | year |
| Individual Monthly Pass | Non-Resident | \$35 | month |
| Family Monthly Pass | Non-Resident | \$120 | month |
| Individual Annual Pass | SR/Vet/MIL/FR | \$300 | year |
| Family Annual Pass | SR/Vet/MIL/FR | \$960 | year |
| Individual Monthly Pass | SR/Vet/MIL/FR | \$30 | month |
| Family Monthly Pass | SR/Vet/MIL/FR | \$100 | month |

Day Passes

| | | | |
|---------------|-----------------|------|-----|
| Swimming Pass | Norman Resident | \$5 | day |
| Multi-Sports | Norman Resident | \$5 | day |
| Swimming Pass | Non-Resident | \$7 | day |
| Multi-Sports | Non-Resident | \$7 | day |
| Swimming Pass | SR/Vet/MIL/FR | \$5 | day |
| Multi-Sports | SR/Vet/MIL/FR | \$5 | day |
| Swimming Pass | Children 12 & U | \$3 | day |
| Multi-Sports | Children 12 & U | \$3 | day |
| Swimming Pass | Children 3 & U | FREE | day |
| Multi-Sports | Children 3 & U | FREE | day |

Common Rentals

| | | | |
|-----------------------------|--------------|-------|------|
| Basketball Court | 1/2 Court | \$35 | hour |
| Basketball Court Full Court | Full Court | \$70 | hour |
| Volleyball Court | Per Court | \$70 | hour |
| Pickleball Court | Per Court | \$45 | hour |
| Conference Room | 2 Hour Min | \$25 | hour |
| Pool Lane Rental | | \$25 | hour |
| Recreation Pool | Min. 2 hours | \$150 | hour |
| Competition Pool | Min. 2 hours | \$250 | hour |

Event Rentals*

| | | | |
|-------------------------|------------|-------------|----------------|
| Basketball Court | 4 Hour Min | \$65-\$85 | hour per/court |
| Volleyball Court | 4 Hour Min | \$50-\$70 | hour per/court |
| Pickleball | 4 Hour Min | \$30-\$45 | hour per/court |
| Full Gym (non athletic) | 4 Hour Min | \$500-\$750 | Full Facility |
| Full Pool Rental | 4 Hour Min | \$500-\$750 | Both Pools |

EXHIBIT B

SCHOOL PARTNER:

Norman Public Schools
131 South Flood Avenue
Norman, OK 73069

LOCAL YOUTH LEAGUE PARTNER:

Norman Optimist Club
1005 Lexington Avenue
Norman, OK 73069

TOURNAMENT PARTNER:

Santa Fe Family Life Center
6300 N Sante Fe Ave
OKC, OK 73118

BASKETBALL CLUB:

Trae Young Family Foundation
& Trae Young Basketball
2201 Trae Young Drive
Norman, OK 73069

SWIMMING CLUB:

Sooner Swim Club
1701 Asp Avenue
Norman, OK 73072

VOLLEYBALL CLUB:

TBD

File Attachments for Item:

27. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2223-31 UPON SECOND AND FINAL READING: AN ORDINANCE AMENDING THE CENTER CITY FORM BASED CODE, ADOPTED BY REFERENCE IN CHAPTER 36 (“ZONING”) AT SECTION 36-540, OF THE CODE OF THE CITY OF NORMAN, IN ORDER TO REMOVE DUPLICATIVE LANGUAGE, CLARIFY LANGUAGE, AND CORRECT MISTAKES, OMISSIONS OR ERRORS, UPDATE REFERENCES TO THE RECODIFIED MUNICIPAL CODE, REFERENCE UPDATED ENGINEERING DESIGN CRITERIA, TO AMEND THE CERTIFICATE OF COMPLIANCE APPLICATION REQUIREMENTS FOR SITE PLAN REQUIREMENTS, AND TO AMEND TO ADD ADMINISTRATIVE ADJUSTMENT AUTHORITY TO ADDRESS UTILITY AND RELATED INFRASTRUCTURE CONFLICTS; AND PROVIDING FOR THE SEVERABILITY THEREOF. **(POSTPONED UNTIL AUGUST 22, 2023)**



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 08/08/2023

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-2223-31 UPON SECOND AND FINAL READING: AN ORDINANCE AMENDING THE CENTER CITY FORM BASED CODE, ADOPTED BY REFERENCE IN CHAPTER 36 ("ZONING") AT SECTION 36-540, OF THE CODE OF THE CITY OF NORMAN, IN ORDER TO REMOVE DUPLICATIVE LANGUAGE, CLARIFY LANGUAGE, AND CORRECT MISTAKES, OMISSIONS OR ERRORS, UPDATE REFERENCES TO THE RECODIFIED MUNICIPAL CODE, REFERENCE UPDATED ENGINEERING DESIGN CRITERIA, TO AMEND THE CERTIFICATE OF COMPLIANCE APPLICATION REQUIREMENTS FOR SITE PLAN REQUIREMENTS, AND TO AMEND TO ADD ADMINISTRATIVE ADJUSTMENT AUTHORITY TO ADDRESS UTILITY AND RELATED INFRASTRUCTURE CONFLICTS; AND PROVIDING FOR THE SEVERABILITY THEREOF. (POSTPONED UNTIL AUGUST 22, 2023)

BACKGROUND:

On June 14, 2022, City Council adopted its most recent amendments to the Center City Form Based Code (CCFBC). These amendments to the CCFBC were forwarded to Planning Commission and City Council with a recommendation of support from the Center City Administrative Delay Ad Hoc Committee. The development community and staff have been working with this round of amendments for about a year and have found that corrections and clean-up of the document are needed.

For this round of amendments, the proposal are as follows:

- Removal of duplicative language found in *Part 604, Special Parking Standard, Off-Site Parking* and *M. Tandem Parking*. The exact same language exists in *Part 603, J. Off-Site* and *K. Tandem Parking*.
- Update references to the recently recodified Municipal Code. City Council adopted Ordinance O-2223-23 on February 8, 2023, which recodified municipal codes to a new platform in Municode. This would correct code reference sections throughout the CCFBC document.
- Reference updated Engineering Design Criteria. City Council adopted O-2223-24 on February 28, 2023 which adopted the new Engineering Design Criteria for the City.

This would add the correct references to the newly adopted Engineering Design Criteria throughout the CCFBC document.

- Amend *Part 204.B.2, Certificate of Compliance Site Plan Requirements*. The requirements listed for the CCFBC Certificate of Compliance site plans submissions do not include property lines, Required Build Lines (RBLs), impervious surface coverage and Parking Setback Requirements. This amendment would rectify this oversight.
- Amend *Part 206.C, Administrative Adjustment Standards*, to allow for relief from siting requirements to resolve utility and infrastructure conflicts.
- Update internal references within the CCFBC to accommodate the above amendments.
- Correction of mistakes, omissions and errors that are needed to avoid conflict or provide clarity to the code. These items are shown in the annotated copy of the CCFBC that is attached to this report.

DISCUSSION:

Staff is bringing the requested amendments forward for review and adoption to have a “clean” Center City Form Based Code document for staff and the development community to use. The requested amendments do not change the original intent of the CCFBC, they simply provide for a clear and concise CCFBC document along with administrative relief for siting issues due to utility/infrastructure conflicts.

Staff, the development community, and the community as a whole have always acknowledged this is a living document. As we collectively move forward with additional development in this area, it should be acknowledged there will be sections of the Code which necessitate further revisions to bring the development and the Code in line with the community’s vision for the Center City.

CONCLUSION:

The proposed amendments to the Center City Form Based Code are noted in red and blue text for easier review of the document.

Staff forwards this proposal for amendments to the CCFBC as Ordinance No. O-2223-31 for consideration by City Council.

At their meeting of July 13, 2023, Planning Commission unanimously recommended adoption of Ordinance No. O-2223-31, by a vote of 7-0.

Ordinance No. O-2223-31

AN ORDINANCE AMENDING THE CENTER CITY FORM BASED CODE, ADOPTED BY REFERENCE IN CHAPTER 36 (“ZONING”) AT SECTION 36-540, OF THE CODE OF THE CITY OF NORMAN, IN ORDER TO REMOVE DUPLICATIVE LANGUAGE, CLARIFY LANGUAGE, AND CORRECT MISTAKES, OMISSIONS OR ERRORS, UPDATE REFERENCES TO THE RECODIFIED MUNICIPAL CODE, REFERENCE UPDATED ENGINEERING DESIGN CRITERIA, TO AMEND THE CERTIFICATE OF COMPLIANCE APPLICATION REQUIREMENTS FOR SITE PLAN REQUIREMENTS, AND TO AMEND TO ADD ADMINISTRATIVE ADJUSTMENT AUTHORITY TO ADDRESS UTILITY AND RELATED INFRASTRUCTURE CONFLICTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

- § 1. WHEREAS, Ordinance O-1617-35, adopted by City Council on May 23, 2017, adopted in its entirety and incorporated by reference into the Zoning Ordinance the document entitled, “Center City Form-Based Code” dated April 2017 and consisting of a cover page, Pages iii-vi, Pages 1-70, and Center City Planned Unit Development – Appendix B, Pages 1-7; and
- § 2. WHEREAS, Council adopted Ordinance O-1718-47 on June 26, 2018 making limited amendments to the Center City Form Based Code to require two-family structures (duplexes) with four or more bedrooms to be sprinkled per applicable building code requirements; and
- § 3. WHEREAS, Council adopted Ordinance O-1718-51 on July 24, 2018 to allow for the sale of alcoholic beverages in theaters in compliance with State law; and
- § 4. WHEREAS, Council adopted Ordinance O-1920-3 on July 23, 2019, following a six (6) month administrative delay, implementing various amendments to address the issues giving rise to the need for the administrative delay; and
- § 5. WHEREAS, Council adopted Ordinance O-2122-47 on June 14, 2022, again following a six (6) month administrative delay, implementing various amendments to address the issues giving rise to that second administrative delay; and
- § 6. WHEREAS, since adoption of O-2122-47, the City of Norman adopted Ordinance O-2223-23 on February 28, 2023, which recodified Norman’s municipal code, resulting in new references and citations for most of the existing municipal code. As part of the recodification, the Zoning Ordinance was incorporated into the main municipal code document, and adopted fully at Chapter 36 therein, necessitating updates to various citations and references within the Center City Form Based Code document; and
- § 7. WHEREAS, since adoption of O-2122-47, the City of Norman also adopted Ordinance O-2223-24 on February 28, 2023, which incorporated revisions to City of Norman Engineering Design Criteria and Standard Specifications and Construction Drawings, further necessitating updates to citations and references within the Center City Form Based Code document; and
- § 8. WHEREAS, since adoption of O-2122-47, City Staff has identified duplicative language, and has determined the need to amend the Certificate of Compliance application document to account for site plan requirements; and

§ 9. WHEREAS, other areas within the CCFBC language have been identified as requiring correction and clarification to avoid the potential for confusion in future application and interpretation; and

§10. WHEREAS, having reviewed the substance of these proposed updates and corrections, Council desires to replace the Center City Form Based Code in its entirety with a revised Code inclusive of previous amendments and current amendments.

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

§ 11. That Section 36-540 of Chapter 36 of the Code of the City of Norman shall be amended to read as follows, and may be accessed at:

~~(a) The Center City Form Based Code, as expressly adopted by reference herein, shall be hereby amended as follows: In Part I, General Provisions, section 104 (Other Applicable Regulations), on Page 2, to add the following subsection C:~~

~~Within the Center City Form Based Code Area of Norman exhibited in this section, and as that area is contained within the Central Core Area of Norman (see map exhibit to NCC 36-550) any two family (duplex) structure with four or more bedrooms per unit is required to be sprinkled per the requirement in section P2904 of the International Residential Code (IRC) or NFPA 13D, or as these documents are amended.~~

~~In Appendix B, section 3 (Standards of Development), to add the following subsection (h):~~

~~(h) Central Core Area of Norman sprinkling requirements. Within the Center City Form Based Code Area of Norman exhibited in this section, and as that area is contained within the Central Core Area of Norman (see map exhibit to NCC 36-550) any two family (duplex) structure with four or more bedrooms per unit is required to be sprinkled per the requirement in section P2904 of the International Residential Code (IRC) or NFPA 13D, or as these documents are amended.~~

~~(b) The Center City Form Based Code, as expressly adopted by reference herein, shall be hereby amended as follows:~~

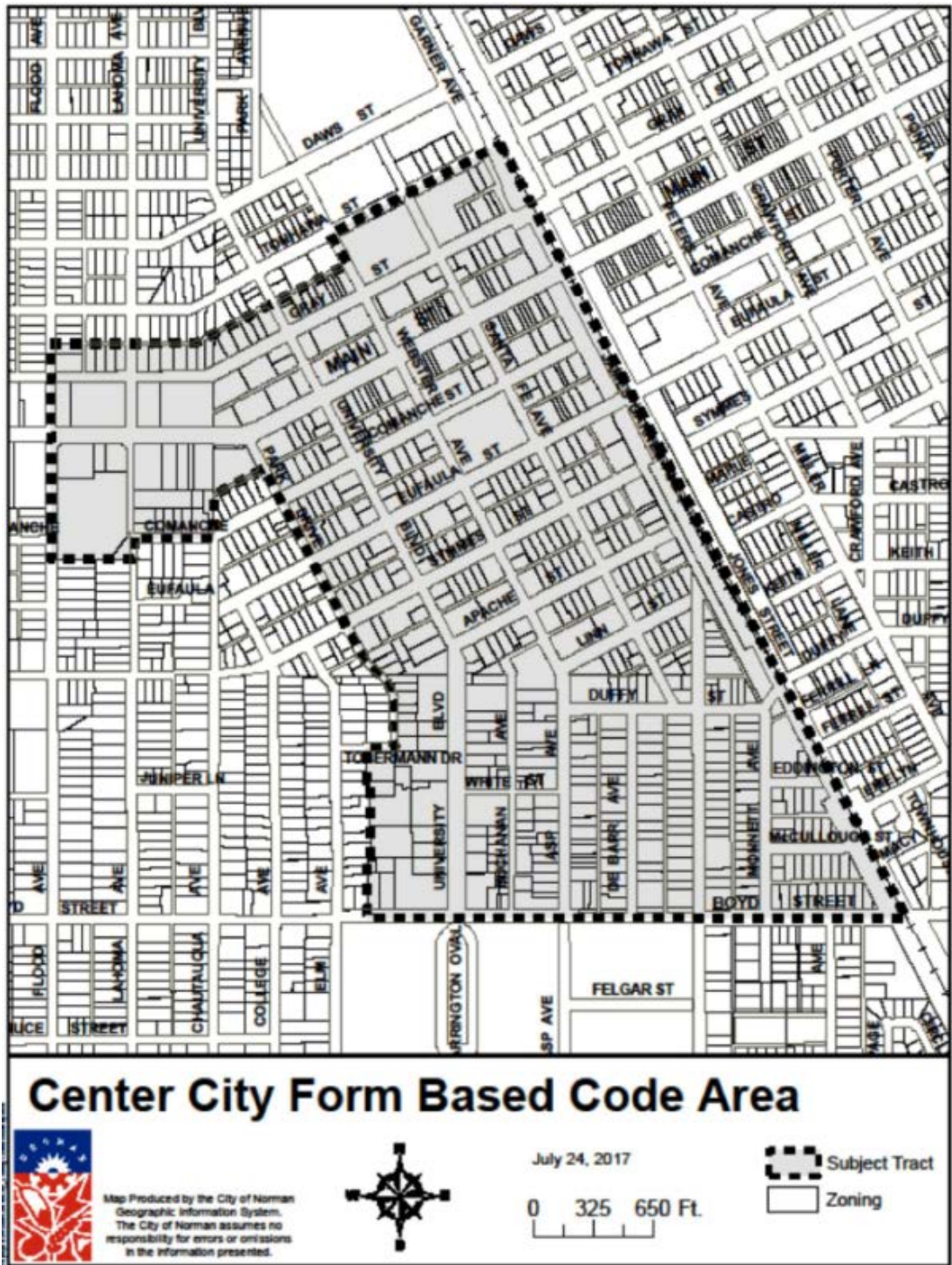
~~In Appendix B, section 3 (Standards of Development), to add the following subsection (i):~~

~~(i) A theater, including one that sells alcoholic beverages in compliance with State law, may be incorporated into appropriate CCPUDs.~~

Normanok.gov, "Norman Center City Vision"

<https://www.normanok.gov/your-government/departments/planning-and-community-development/planning-projects/norman-center-city>

Center City Form Based Code Area Map



§ 12. 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-2223-31

ITEM NO. 16

STAFF REPORT

ITEM: AN ORDINANCE AMENDING THE CENTER CITY FORM BASED CODE, ADOPTED BY REFERENCE IN CHAPTER 36 ("ZONING") AT SECTION 36-540, OF THE CODE OF THE CITY OF NORMAN, IN ORDER TO REMOVE DUPLICATIVE LANGUAGE, CLARIFY LANGUAGE, AND CORRECT MISTAKES, OMISSIONS OR ERRORS, UPDATE REFERENCES TO THE RECODIFIED MUNICIPAL CODE, REFERENCE UPDATED ENGINEERING DESIGN CRITERIA, TO AMEND THE CERTIFICATE OF COMPLIANCE APPLICATION REQUIREMENTS FOR SITE PLAN REQUIREMENTS, AND TO AMEND TO ADD ADMINISTRATIVE ADJUSTMENT AUTHORITY TO ADDRESS UTILITY AND RELATED INFRASTRUCTURE CONFLICTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

BACKGROUND:

On June 14, 2022, City Council adopted its most recent amendments to the Center City Form Based Code (CCFBC). These amendments to the CCFBC were forwarded to Planning Commission and City Council with a recommendation of support from the Center City Administrative Delay Ad Hoc Committee. The development community and staff have been working with this round of amendments for about a year and have found that corrections and clean-up of the document are needed.

For this round of amendments, the proposal are as follows:

- Removal of duplicative language found in *Part 603, J. Off-Site and K. Tandem Parking*. The exact same language exists in *Part 604, Special Parking Standard, Off-Site Parking and M. Tandem Parking*.
- Update references to the recently recodified Municipal Code. City Council adopted Ordinance O-2223-23 on February 8, 2023, which recodified municipal codes to a new platform in Municode. This would correct code reference sections throughout the CCFBC document.
- Reference updated Engineering Design Criteria. City Council adopted O-2223-24 on February 28, 2023 which adopted the new Engineering Design Criteria for the City. This would add the correct references to the newly adopted Engineering Design Criteria throughout the CCFBC document.
- Amend *Part 204.B.2, Certificate of Compliance Site Plan Requirements*. The requirements listed for the CCFBC Certificate of Compliance site plans submissions do not include property lines, Required Build Lines (RBLs) and Parking Setback Requirements. This amendment would rectify this oversight.
- Amend *Part 206.C, Administrative Adjustment Standards*, to allow for relief from siting requirements to resolve utility and infrastructure conflicts.
- Update internal references within the CCFBC to accommodate the above amendments.
- Correction of mistakes, omissions and errors that are not substantive, but are needed to provide clarity to the code. These items are shown in the annotated copy of the CCFBC that is attached to this report.

DISCUSSION:

Staff is bringing the requested amendments forward for review and adoption to have a “clean” Center City Form Based Code document for staff and the development community to use. The requested amendments do not change the original intent of the CCFBC, they simply provide for a clear and concise CCFBC document along with administrative relief for siting issues due to utility/infrastructure conflicts.

Staff, the development community, and the community as a whole have always acknowledged this is a living document. As we collectively move forward with additional development in this area, it should be acknowledged there will be sections of the Code which necessitate further revisions to bring the development and the Code in line with the community’s vision for the Center City.

CONCLUSION:

The proposed amendments to the Center City Form Based Code are noted in red and blue text for easier review of the document.

Staff forwards this proposal for amendments to the CCFBC as Ordinance No. O-2223-31 for consideration by the Planning Commission and a recommendation to City Council.



CENTER CITY FORM-BASED CODE

NORMAN, OKLAHOMA

DRAFT AUGUST 2023

How to Use this Code

Why are some words shown in SMALL CAPITAL LETTERS?

The Norman Center City Form-Based Code (CCFBC) includes terms with special meanings and their definitions are included in *Part 9. Definitions*. Defined terms are shown throughout the document in SMALL CAPITAL LETTERS.

I want to know what is allowed for my property:

1. Look at the adopted REGULATING PLAN in *Part 3. The Regulating Plan* and determine if property in question is located within the Center City Form District. (CC Form District) If not, this Code is not applicable.
2. Find the specific property in question on the adopted REGULATING PLAN. Note the REQUIRED BUILDING LINE and the PARKING SETBACK LINE. Note the color of the fronting STREET-SPACE—this determines the applicable BUILDING FORM STANDARD (see the key located on the REGULATING PLAN).
3. Find the applicable BUILDING FORM STANDARD in *Part 4. Building Form Standards*. (Note the *General Provisions* in *Section 402* that apply to all properties in the district.) The BUILDING FORM STANDARD will tell you the parameters for DEVELOPMENT on the site in terms of height, siting, elements, and use.
4. Additional regulations regarding streets and other public spaces surrounding the property, parking requirements, and permitted building functions are found in the following sections: *Part 5. Urban Space Standards*; *Part 6. Parking and Loading Standards*; and *Part 7. Building Functions*.
5. See *Part 2. Administration, Application Process & Appeals* for information on the DEVELOPMENT review process.

NOTE: Where a NON-CONFORMING STRUCTURE OF NON-CONFORMING USE may continue in compliance with *Part 2. Section 208. Non-Conforming Structures and Uses*, the allowances of a LEGACY ZONING DISTRICT may also control what is allowed for a particular property.

I want to modify an existing building:

1. If this code is applicable to your property, determine whether your intended changes would trigger a level of code compliance by looking at the *Part 2. Section 208. Non-Conforming Structures and Uses*.
2. If yes, follow the process delineated therein.

I want to establish a new use in an existing building:

1. Find the property on the REGULATING PLAN and determine the applicable BUILDING FORM STANDARD.
2. Determine whether the use is allowed by looking at *Part 7. Building Functions*. If the use is allowed within the applicable CCFBC BFS *Part 2. Section 208. Non-Conforming Structures and Uses* to determine whether the use may be carried on within a NON-CONFORMING STRUCTURE. If Section 208 does not permit the use to be carried on within a NON-CONFORMING STRUCTURE, refer to the specific performance standards set forth in the applicable BFS.

I want to change the Regulating Plan regarding my property:

See *Part 2. Section 207. Amendments to the Center City Form-Based Code*.

I want to subdivide my property:

1. Property can only be subdivided in accordance with the procedures of the Norman Municipal Code.
2. Any such subdivision of a property within the *Center City Form District* shall also meet the standards of this Code.

Contents

PART 1. GENERAL PROVISIONS1

- 101. Title 1
- 102. Applicability 1
- 103. Purposes 1
- 104. Other Applicable Regulations 2
- 105. Minimum Requirements 2
- 106. Severability 2
- 107. Components of the Code 2

PART 2. ADMINISTRATION, APPLICATION PROCESS & APPEALS4

- 201. Applicability 4
- 202. Director 4
- 203. FBC Development Review Team 4
- 204. Certificate of Compliance 5
- 205. Effect of Certificate of Compliance Issuance 6
- 206. Administrative Adjustments 7
- 207. Amendments to the Center City FBC 9
- 208. Non-Conforming Structures and Uses 9

PART 3. THE REGULATING PLAN11

- 301. Rules for Regulating Plans 11
- 302. Illustrative Form District Maps 15
 - 302.A. Center City Visioning Map 15
 - 302.B. Center City Regulating Plan Map 16
 - 302.C. Center City Maximum Building Height Map 17
 - 302.D. Center City Unit Minimum Map 18

PART 4. BUILDING FORM STANDARDS19

- 401. Intent 19
- 402. General Provisions 19
- 403. Urban General and Urban Residential Frontages 28
- 404. Urban Storefront Frontage 32
- 405. Detached Frontage 33

PART 5. URBAN SPACE STANDARDS36

- 501. Applicability 36
- 502. Intent 36
- 503. Street Type Specifications 37
- 504. Streetscape Standards 44
- 505. Plazas, Squares and Civic Greens 46
- 506. Tree Lists 47

PART 6. PARKING AND LOADING STANDARDS51

- 601. Intent 51
- 602. Other Applicable Regulations 51
- 603. Minimum Parking Requirements 51
- 604. ~~Special Parking Standards~~ [RESERVED](#) 53
- 605. Parking Lot Plantings 54
- 606. Loading Facilities 54

PART 7. BUILDING FUNCTIONS.....55

- 701. General Provisions 55
- 702. Use Table 56
- 703. Use Categories 57
- 704. Development and Performance Standards 58

PART 8. SITE DEVELOPMENT REQUIREMENTS62

- 801. Intent 62
- 802. Site Grading Plan 62
- 803. Drainage Calculations 62
- 804. Impervious Area 63
- 805. Impervious Coverage Incentive 63

PART 9. DEFINITIONS.....65

APPENDIX A.....75

- A. Process 75
- B. Incentives 76

APPENDIX B77

- Sec. 520 Center City Planned Unit Development 77

APPENDIX C.....83

- Bicycle Parking Design Guidelines 83

Part 1. General Provisions

101. Title

This Code is known as the Norman Center City Form-Based Code (CCFBC).

102. Applicability

- A. The CCFBC is in effect for that part of the City of Norman, Oklahoma, designated on the REGULATING PLAN in *Part 3. The Regulating Plan* as the Center City Form District (CC Form District), and as set forth in *Part 2. Section 208. Non-conforming Structures and Uses*.
- B. The area generally known as Campus Corner that is geographically located within the larger CC Form District boundaries, as designated on the REGULATING PLAN in *Part 3*, is excluded from the CC Form District, but may be added to the district in the future, by determination of the City Council.
- C. The process for DEVELOPING or REDEVELOPING within the CC Form District is delineated in *Part 2. Administration* and *Appendix A* of this Code.

103. Purposes

- A. The goal of *Norman Center City Vision Project and Plan* was to reset the conversation and provide guidance for future DEVELOPMENT and REDEVELOPMENT in Center City.¹ This CCFBC is intended to implement the purpose and goals of that Plan by providing strong implementation tools for the Center City area.
- B. The CCFBC shall be applied to new, infill DEVELOPMENT, and REDEVELOPMENT within the district both in order to achieve the vision set forth for the Center City and to provide a mechanism for implementing the following specific goals, using both public and private sector investments:
 1. Capitalize on public investment in existing infrastructure
 2. Stabilize and strengthen mixed-use commercial centers and residential neighborhoods
 3. Create a pedestrian-oriented and multi-modal district
 4. Promote, create, and expand housing options
 5. Ensure transit-supportive and transit-serviceable DEVELOPMENT
 6. Ensure a complementary relationship with surrounding neighborhoods
- C. The creation of transit- and pedestrian-oriented DEVELOPMENT and REDEVELOPMENT is dependent on three factors: density, diversity of uses, and design. This Code places greatest emphasis on design, or physical form, because of its importance in defining neighborhood and district character. All places evolve—density and uses can be expected to change over time as the area continues to grow and mature.

¹ From the *Norman City Center Vision Summary Charrette Report*, May 2014.

104. Other Applicable Regulations

- A. All DEVELOPMENT and REDEVELOPMENT must comply with relevant Federal, State and City regulations. Whenever any provision of this Code imposes a greater requirement or a higher standard than is required in any State or Federal statute or other City ordinance or regulation, the provisions of this Code shall govern unless preempted by State or Federal law.
- B. Where apparent conflicts exist between the provisions of the CCFBC and other existing ordinances, regulations, or permits, or by easements, covenants, or agreements, the Director shall determine, based on which best meets the requirements of this Code and Vision plan, which provisions shall govern within the Center City Form District.
- C. Within the Center City Form-Based Code Area of Norman exhibited in Norman Code ~~22-429.736-540~~, and contained within the Central Core Area of Norman (see map exhibit to Norman Code ~~22-431.736-550~~) any two-family (duplex) structure with four or more BEDROOMS per unit is required to be sprinkled per the requirement in Section P2904 of the International Residential Code (IRC) or NFPA 13D, or as these documents are amended.

105. Minimum Requirements

In interpreting and applying the provisions of the CCFBC, they are the minimum requirements for DEVELOPMENT under this Code.

106. Severability

Should any provision of the CCFBC be decided by the courts to be unconstitutional or invalid, that decision shall not affect the validity of the CCFBC other than the part decided to be unconstitutional or invalid.

107. Components of the Code

The CCFBC places a primary emphasis on physical form and placemaking, with a secondary focus on land uses. The principal regulatory sections of this Code are described below.

A. Administration

Administration covers application and review process for DEVELOPMENT project approval.

B. The Regulating Plan

The REGULATING PLAN is the application key for the CCFBC. It provides a public space master plan with specific information on DEVELOPMENT parameters for each parcel and shows how each lot relates to the STREET-SPACE (streets, SQUARES/CIVIC GREENS, PLAZAS, PEDESTRIAN PATHWAYS, etc.) and the surrounding neighborhood. The REGULATING PLAN may identify additional regulations and/or opportunities for lots in specific locations.

C. The Building Form Standards

The BUILDING FORM STANDARDS establish basic parameters governing building form, including the buildable envelope (in three dimensions) and certain permitted and/or required elements—such as SHOPFRONTS, BALCONIES, and STREET WALLS. The BUILDING FORM STANDARDS establish both the boundaries within which things may be done and specific things that must be done.

The primary intent of the BUILDING FORM STANDARDS (BFS) is to shape the STREET-SPACE, or public realm, through placement and form controls on buildings. Their secondary intent is to ensure that the buildings cooperate to form a functioning, sustainable, BLOCK structure. The applicable standard for a building site is determined by the STREET FRONTAGE designated on the REGULATING PLAN.

D. The Urban-Space Standards

The purpose of the Urban-Space Standards is to ensure coherent STREET-SPACE and to assist builders and owners with understanding the relationship between the public realm and their own building. These standards set the parameters for the placement of STREET TREES, sidewalks, and other amenities or furnishings within the STREET-SPACE. They set recommended configurations for the vehicular part of the street as well as other public spaces such as greens, squares, and plazas.

E. Building Function Standards

The Building Function Standards define the uses allowed and/or required on ground floors and in upper floors, correlated with each BUILDING FORM STANDARD. Because the CCFBC emphasizes form more than use, it includes fewer, broader categories than those provided elsewhere in the Norman Zoning Ordinance.

F. Parking and Loading Standards

Parking and loading standards provide goals and requirements to promote a “park once” environment through shared parking and encourage a pedestrian-friendly, walkable CC Form District.

G. Definitions

Certain terms in the CCFBC are used in very specific ways, often excluding some of the meanings of common usage. Wherever a word is in SMALL CAPITALS format, consult *Part 9. Definitions* for its specific and limited meaning. Where there is an apparent contradiction between the definitions in the CCFBC and those in the Norman Zoning Ordinance, the definitions in this Code shall prevail. Words used in the CCFBC, but not defined by this Code, but that are defined in the Norman Zoning Ordinance, shall have the meanings set forth therein.

Part 2. Administration, Application Process & Appeals

201. Applicability

DEVELOPMENT and REDEVELOPMENT proposals within the Center City Form District shall be subject to the provisions of this *Part 2* and/or *Appendix A*.

202. Director

A. Authority

The Director of Planning and Community Development (“Director”) and the Development Review Team (DRT) are authorized to review and approve applications for Certificates of Compliance and Administrative Adjustments.

B. Delegation of Authority

The Director may designate any member of the staff of the City’s Planning and Community Development Department to represent the Director in any function assigned by the Center City Form-Based Code (CCFBC). The Director, however, shall remain responsible for any final action taken under this Section.

203. FBC Development Review Team

The existing Development Review Team (DRT) with an additional citizen member who is a resident of the Center City Form District will provide a coordinated and centralized technical review process to ensure compliance with the requirements of the CCFBC. The Development Review Team is comprised of personnel from the City departments that have an interest in the DEVELOPMENT review and approval process.

A. Powers and Duties

1. The Development Review Team shall be responsible for the review of Concept Plans, Site Plans and any other DEVELOPMENT related applications that may be required by the CCFBC.
2. The Development Review Team shall be responsible for making determinations on the application and interpretation of guidelines, standards, and requirements of the CCFBC.
3. The Development Review Team may require the applicant to submit additional information not otherwise specifically required by the CCFBC, which is reasonably necessary to review and determine whether the proposed DEVELOPMENT complies with the requirements of the CCFBC.
4. The Development Review Team shall not be authorized to waive or vary requirements of the CCFBC or any other applicable ordinance of the City of Norman unless specifically allowed in the CCFBC.

B. Operational Procedures

The Development Review Team shall meet on their regularly scheduled meeting dates to review DEVELOPMENT applications. It shall be the

responsibility of the Planning Director, or the Director's designee, to collect the comments of the DRT, prepare a written staff analysis of the outstanding issues related to each application, and provide it to the applicant in a timely manner.

204. Certificate of Compliance

An application for approval of a Certificate of Compliance, demonstrating compliance with the provisions contained in the CCFBC and the REGULATING PLAN shall be submitted to the Director. At the time an application is submitted for a Certificate of Compliance for a Center City Form District property, the property shall be posted by staff with a sign provided by the City of Norman identifying that such a request has been received. A fully refundable \$20.00 sign deposit is required.

A. Pre-Application Conference

A pre-application conference with a member of the professional planning staff of the Department of Planning and Community Development is required prior to the submission of any application for a Certificate of Compliance. The applicant shall provide a concept site plan and conceptual drawings of the FACADES of any building at a scale of at least 1"=100' for consideration by the staff. The discussions and any conclusions based on the pre-application conference are not binding on any party thereto.

B. Certificate of Compliance Application Requirements

The application for a Certificate of Compliance shall include:

1. A brief narrative describing the Development Proposal;
2. Two (2) sets of completed plans for the Development Proposal at a scale sufficient to read [Site Plans at 1"= 50', Building Plans and Elevations at 1"= 20', Details as necessary to demonstrate form-based code ("FBC") compliance at 1"=4' to 1"=10'] as required by the City and including the following information, which shall be submitted on the following sheets:
 - (i) a. Location and dimensions of all proposed buildings and other construction;
 - (ii) b. Internal roadways, streets and/or STREET-SPACES, ALLEYS, common access easements, and access ways to adjacent public roadways;
 - (iii) c. Utilities - Sanitation/polycarts and service courts;
 - d. Property lines;
 - e. Utility, drainage and any other easement conveyances affecting the property;
 - f. Required Build Line (BFS) and Parking Setback Line;
 - (iv) g. Location and dimensions of all parking areas and striping plan;
 - (v) h. Utility Strategy;
 - (vi) i. Architectural drawings of all proposed building FACADES;
 - (vii) j. Floor plan;

- e. [k.](#) Landscape plan,;
 - f. [l.](#) Stormwater calculations [and impervious surface coverage](#);
3. A completed Form-Based District Review Checklist, the form of which shall be developed, maintained, and made available by the Director, demonstrating compliance with the provisions of the FBC; and
 4. Any other documents and/or materials required by the Director to determine compliance with the FBC.

C. Certificate of Compliance Review

1. The Director of Planning and Community Development may administratively provide for submission and review deadlines for materials and studies required in support of any application for a Certificate of Compliance. The need for technical studies shall be at the Director's discretion or as required by City ordinances.
2. Applicants shall be notified at the Development Review Team meeting if additional materials, studies, and meetings will be required in order for review of their application to commence.
3. After the effective date of the CCFBC, no property which has been zoned under the CC Form District may be DEVELOPED or REDEVELOPED without: (a) approval of a Certificate of Compliance from the Director of Planning and Community Development, (b) approval of an application to voluntarily participate in any Pattern Zoning program or overlay adopted for applicable CC Form District properties, or (c) an approved rezoning to *Center City Planned Unit Development* (CCPUD) as established in *Appendix B*.

205. Effect of Certificate of Compliance Issuance

The Certificate of Compliance shall incorporate the approved site plan, elevation drawings and/or floor plan drawings, as determined by the Director, and shall be binding as to the elements demonstrated therein. Issuance of a Certificate of Compliance by the Director allows an applicant to apply for other necessary permits and approvals which include, but are not limited to, those permits and approvals required under the City Building Code. Certificate of Compliance site plan, elevation drawings and floor plans must be submitted with permit requests, and the Director may decline to issue a Certificate of Occupancy where construction is not completed in compliance with the Certificate of Compliance and its referenced attachments, in the absence of a valid material modification or Administrative Adjustment.

A. Certificate of Compliance Modification

After the Director has issued a Certificate of Compliance, any change in the Development Proposal from Certificate of Compliance and referenced attachments submitted to the Director, other than those permitted under [Section 206](#) below, shall be considered a material modification and shall be subject to the following review procedure:

1. A complete application for a material modification shall be referred to the DRT at its next regularly scheduled meeting.
2. The Director may administratively provide for submission and review deadlines for materials and studies required in support of any application for a material modification.
3. The DRT shall determine if the proposed material modification is in compliance with the CCFBC Code.

B. Certificate of Compliance Expiration

1. A Certificate of Compliance shall lapse twenty-four (24) months from its issuance if an applicant does not secure a building permit.
2. Upon written communication by the applicant submitted at least thirty (30) days prior to the expiration of the Certificate of Compliance, and upon a showing of good cause, the Director may grant one extension not to exceed six (6) months. Upon an application for extension, the Certificate of Compliance shall be deemed extended until the Director has acted upon the request for extension.

C. Appeal

An appeal by a person aggrieved by the Director's decision on a Certificate of Compliance application, and situations where Administrative Adjustments are requested, will be to City Council.

206. Administrative Adjustments

A. Purpose and Intent

The purpose and intent of this section is to provide an administrative mechanism for allowing minor adjustments to limited and specific requirements of the Center City Form-Based Code, with the intent of providing relief where the application of a standard creates practical difficulties in allowing DEVELOPMENT to proceed. These adjustments are intended to provide relief for minor construction/survey issues; they are not intended for deviations from the CCFBC, like those governed by *Appendix A and B*. This optional process occurs only where an applicant requests an Administrative Adjustment to a standard specified below.

B. Administrative Adjustment Application and Review Procedure

1. An application for approval of an Administrative Adjustment shall include:
 - a. A brief narrative describing the Administrative Adjustment sought;
 - b. A completed Administrative Adjustment Checklist, the form of which shall be developed, maintained, and made available by the Director, demonstrating that the adjustment sought is limited to the standards set forth below; and
 - c. Any other documents and/or materials required by the Director to determine that the adjustment sought is limited to the standards set forth below.

2. The Director may seek assistance from the DRT in making a determination under this Section.
3. Within ten (10) business days of receipt of a complete application, the Director shall review the application in accordance with the Administrative Adjustment Standards below, and take one of the following actions:
 - a. Approve the application as submitted;
 - b. Approve the application with conditions; or
 - c. Deny the application.

C. Administrative Adjustment Standards

The Director is authorized to approve Administrative Adjustment applications in strict conformance with the following standards only:

1. Height

- a. Minimum and maximum height - up to five percent (5%) for any cumulative increase or decrease in building height.
- b. STREET WALL/fence requirements – up to ten percent (10%).
- c. Finished floor elevation – up to five percent (5%).

2. Siting

- a. REQUIRED BUILDING LINE – move forward up to six (6) inches.
- b. REQUIRED BUILDING LINE – move backward up to three (3) feet. Applicant must submit landscaping or balcony plan: [with this request.](#)
- c. [REQUIRED BUILDING LINE – Move backward up to five \(5\) feet, in order to accommodate or resolve utility or other vital or related infrastructure conflicts already existing. Utility or other vital or related infrastructure conflicts must be demonstrated by the applicant to and verified by the Development Review Team and the Director.](#)
- ~~e~~. [d.](#) REQUIRED BUILDING LINE minimum percentage built-to – reduction of up to five percent (5%) of required length.
- ~~d~~. [e.](#) PARKING SETBACK LINE – move forward up to six (6) feet.
- ~~e~~. [f.](#) Mezzanine floor area – up to ten percent (10%) additional area.
- ~~f~~. [g.](#) STREET WALL requirements – up to ten percent (10%) of the height/FENESTRATION/access gate requirements.
- ~~g~~. [h.](#) Entrances (maximum average spacing) – up to ten percent (10%) increase in spacing.

3. Elements

- a. FENESTRATION (minimum and maximum percent) – up to five percent (5%).
- b. Elements (minimum and maximum projections) – up to five percent (5%).

4. Streets, Blocks and Alleys

Street center lines may be moved up to 50 feet in either direction, so long as:

- the street connectivity is maintained (no cul-de-sacs);
- no street intersection occurs within 125 feet of another street intersection; and
- the BLOCK configuration meets the standards defined in *Section 301.D*.

D. Unlisted FBC Standards

Any request for relief from a required FBC standard other than those listed above shall be made through the CCPUD procedures set forth in *Appendices A and B*. (See also *Section 207* below.)

E. Applicability

Any Administrative Adjustment approved under this Section shall run with the land and not be affected by a change in ownership.

207. Amendments to the Center City FBC

A. Text Amendments

Any application for an amendment to the FBC text shall be considered an application for a zoning text amendment subject to *Section ~~22.442.1~~ 36-571* of the Zoning Ordinance and any other regulations applicable to zoning text amendments.

B. Regulating Plan Amendments

Any application for an amendment to the Center City REGULATING PLAN shall be considered an application for a zoning map amendment subject to *Zoning Ordinance Sections ~~22.442.1~~ 36-571- Amendments* and any other regulations applicable to rezoning.

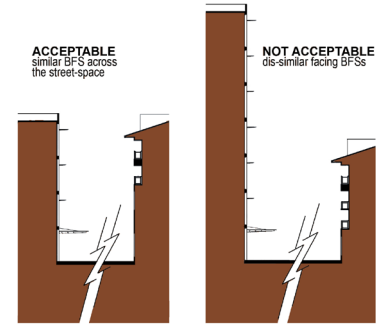
1. Changes to Streets, Blocks, Alleys

Any amended REGULATING PLAN shall conform to the standards defined in *Section 301*.

208. Non-Conforming Structures and Uses

A. Non-conforming structures. NON-CONFORMING STRUCTURES within the CC Form District may only be altered according to the following:

- 1. Repair and Remodeling.** Repair and remodeling of the structures which do not affect the structure's footprint may be made in conformance with an applicable LEGACY ZONING DISTRICT.
- 2. Additions.** An addition to a NON-CONFORMING STRUCTURE is permissible as long as:
 - The structure occupying the original footprint of the structure is not demolished and remains occupied in substantially the same manner as prior to the addition; and
 - The overall size of the structure does not increase by more than 50% of the square footage of the NON-CONFORMING STRUCTURE.



207.B.1 Illustrative intent

3. Destruction and Replacement.

- a. **Destruction Generally Not Permitted.** Destruction of a NON-CONFORMING STRUCTURE in a manner not specifically allowed by subpart (b) below will destroy the legal non-conforming status of the structure and any NON-CONFORMING USES carried on within the NON-CONFORMING STRUCTURE, thus initiating complete application of the CCFBC to the subject property(ies) going forward.
- b. **Generally.** NON-CONFORMING STRUCTURES destroyed by fire, explosion, act of God, or the public enemy may be:
 - (i) replaced with a NON-CONFORMING STRUCTURE of comparable height and siting as set forth in subpart (c) below;
 - (ii) REDEVELOPED following the CCFBC standards; or
 - (iii) follow the CCPUD process established in *Appendices A and B*.
- c. **Replacing a NON-CONFORMING STRUCTURE.**
 - (i) All NON-CONFORMING STRUCTURES destroyed as set out in subpart (b) above may be replaced in conformance with a LEGACY ZONING DISTRICT only by a NON-CONFORMING STRUCTURE of comparable footprint, height and siting.
 - (ii) Additionally, single-family, duplex and residential accessory NON-CONFORMING STRUCTURES destroyed by fire, explosion, act of God, or the public enemy may be replaced in conformance with a LEGACY ZONING DISTRICT so long as the NON-CONFORMING STRUCTURE is not converted to another NON-CONFORMING USE or expanded beyond the footprint of the destroyed NON-CONFORMING STRUCTURE.

4. **Non-Conforming Signage.** NON-CONFORMING STRUCTURES may utilize existing non-conforming signage materials and framework, and may alter the content of such non-conforming signage in compliance with the LEGACY ZONING DISTRICT. However, where non-conforming signage materials or framework are substantially altered, replaced or substituted, or where additional signage is sought, all signage must then comply with the provisions of the CCFBC. A NON-CONFORMING STRUCTURE may comply with CCFBC signage regulations, as required herein, without otherwise destroying its status as a NON-CONFORMING STRUCTURE herein.

B. NON-CONFORMING USES

1. **Generally.** Permitted uses and Development Standards in applicable LEGACY ZONING DISTRICTS may continue and be carried on in NON-CONFORMING STRUCTURES, even where the CCFBC, see *Part 7, Section 702. Use Table*, would apply Additional Regulations that cannot be satisfied.
2. **CCFBC Uses in NON-CONFORMING STRUCTURES.** Uses permitted within the CCFBC, and which cannot be found in a property's applicable LEGACY ZONING DISTRICT, are permitted in NON-CONFORMING STRUCTURES, and will not result in a destruction of legal non-conforming status.

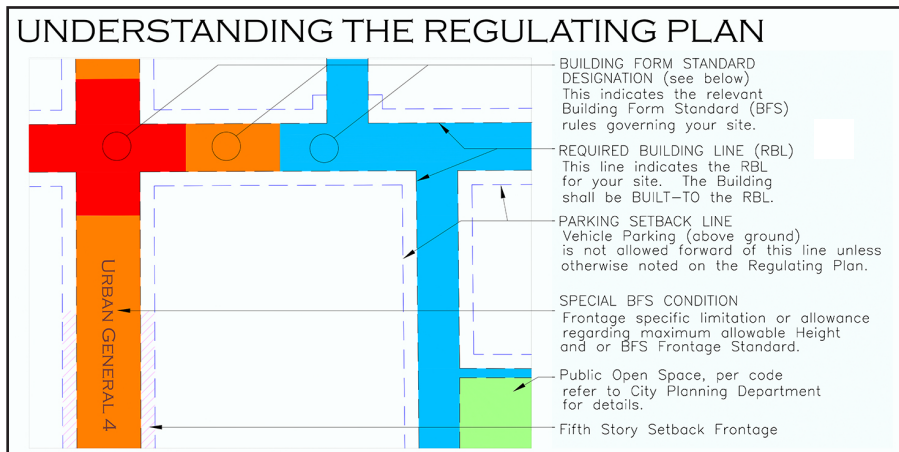
Part 3. The Regulating Plan

301. Rules for Regulating Plans

A. Purpose and Intent

1. The REGULATING PLAN is the controlling document and principal tool for implementing the Center City Form-Based Code (CCFBC).
2. The REGULATING PLAN makes the DEVELOPMENT standards place-specific, by designating the BUILDING FORM STANDARDS (BFS) and delineating the public spaces. The REGULATING PLAN identifies: the boundaries for the district; existing and proposed streets and ALLEYS; the REQUIRED BUILDING LINE and PARKING SETBACK LINE throughout the plan area.
3. The REGULATING PLAN may identify specific characteristics assigned to a lot or building site and may identify additional regulations (and opportunities) for lots in specific locations, as well as exceptions to the BFS or other standards.

B. Regulating Plan Key



C. Building Form Standards (BFS) on the Regulating Plan

- a. BUILDING FORM STANDARDS are designated on the REGULATING PLAN by STREET FRONTAGE.
- b. The allocation and distribution of BFS frontages—which define the form and character of the district—was based on the *Center City Vision Plan* and determined by the physical context (what goes next to what) and diversity of allowed/required uses.

D. Streets, Blocks & Alleys on the Regulating Plan

1. Streets

Recommended street configurations called out in *Part 5. Urban Space Standards* or on the REGULATING PLAN may or may not be immediately constructed. They should be placed into the system such that, when reasonable for the City's street maintenance/reconstruction plan, they can be rationally constructed.

- a. Additional streets may be added to the REGULATING PLAN to create a smaller BLOCK pattern; however, no streets may be deleted without being replaced elsewhere within the district.
- b. Where new ALLEYS OR PEDESTRIAN PATHWAYS are designated on the REGULATING PLAN, they are critical to the working of the CC Form District and shall be considered mandatory. While the street infrastructure may not be constructed until some point in the future, the RBL, and other regulations of the REGULATING PLAN shall be respected.
- c. New ALLEYS OR PEDESTRIAN PATHWAYS shall be public or publicly accessible.
- d. All lots shall share a frontage line with a STREET-SPACE.

2. Blocks

a. Maximum Size:

No BLOCK FACE shall have a length greater than 300 feet without an ALLEY, access easement, or PEDESTRIAN PATHWAY providing through-access to another STREET-SPACE, ALLEY OR COMMON DRIVE. Individual lots with less than 100 feet of STREET FRONTAGE are exempt from the requirement to interrupt the BLOCK FACE; those with over 200 feet of STREET FRONTAGE shall meet the requirement within their lot, unless already satisfied within that BLOCK FACE.

b. Curb Cuts:

- (i) Unless otherwise specified on the REGULATING PLAN, no new curb cuts are permitted.
- (ii) For lots with ALLEY access, existing curb cuts shall be eliminated/vacated at the time of REDEVELOPMENT.
- (iii) For lots without ALLEY access, existing curb cuts may be maintained or relocated.
- (iv) Where a parking structure is being provided with at least 30% of its spaces publicly available, existing curb cuts may be relocated (even if the lot has ALLEY access.)

3. Alleys

- a. ALLEYS or COMMON DRIVES must provide access to the rear of all lots, except where a lot has streets on three sides and the absence of an ALLEY or COMMON DRIVE would not deprive an adjacent neighbor of rear lot access.
- b. For new ALLEYS (or COMMON DRIVES), public access, public utility, and drainage shall be dedicated via an easement.
- c. ALLEYS may be incorporated into (rear) parking lots as standard drive aisles. Access to all properties adjacent shall be maintained.
- d. Where an ALLEY does not exist but is identified on the REGULATING PLAN and it is not feasible to construct at the time of REDEVELOPMENT, no permanent structure shall be constructed within the proposed ALLEY right-of-way. The applicant is required to dedicate the ALLEY right-of-way within the rear setback to the City (for future construction) and maintain the area within the rear setback by, at a minimum:
 - (i) Providing routine landscape maintenance to the area.
 - (ii) Keeping the area clear of debris, stored materials, and stored or parked vehicles.

4. Changes to Regulating Plan

Any amendment or change to the REGULATING PLAN, beyond those specified in *Section 301.D.* above, will be a zoning map amendment of this Code. See *Section 207.B.*

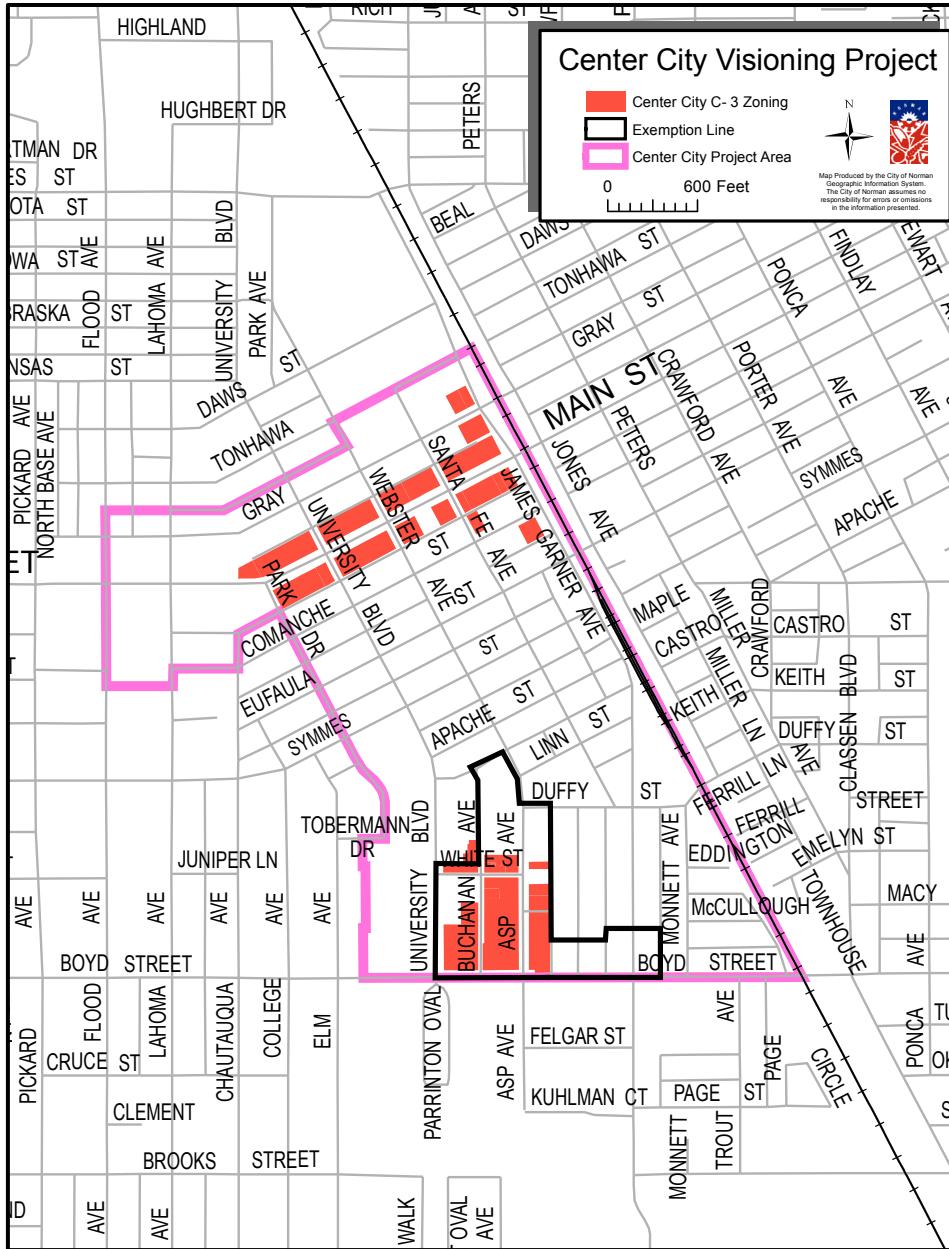
E. Special Site Conditions in the Center City Form District

1. Some building height and parking requirements of this Code are not applicable to properties zoned C-3 at the time of CCFBC adoption. (See *Part 4. Building Form Standards, Sections 403 & 404*, and *Part 6. Parking and Loading Standards, Section 603.A.* for specific exemptions, and *Section 302. Illustrative Form District Maps*, below, for the applicable parcels.)
2. The following conditions are identified by numbered asterisks (*) on the REGULATING PLAN. They may require additional performance standards or provide additional DEVELOPMENT opportunities due to their unique context.
 - a. (*1) Located on Jenkins at the transition from the excluded Campus Corner area to Urban Residential frontage. Existing building form and use (at the time of CCFBC adoption) is that of strip commercial. Future REDEVELOPMENT may continue the range of uses.
 - b. (*2) Located on Webster at Apache. Existing historic building form is that of neighborhood commercial. Future REDEVELOPMENT may continue commercial use if existing buildings are maintained without expansion or new DEVELOPMENT remains within the limit of the existing building footprint and height at the time of CCFBC adoption.

- c. (*3) Located on Park Drive. REQUIRED BUILDING LINE (RBL) is a “zone” as defined on the REGULATING PLAN. This is to accommodate the small lot/tightly curving Detached Frontage.)
- d. (*4) Located off University behind Boyd House. The lot building limit provides a ‘no structures’ area; an additional 30-foot deep zone designated with a cross-hatch on the REGULATING PLAN establishes an additional buffer area wherein the maximum height for any structure is 30 feet.

302. Illustrative Form District Maps

302.A. Center City Visioning Map

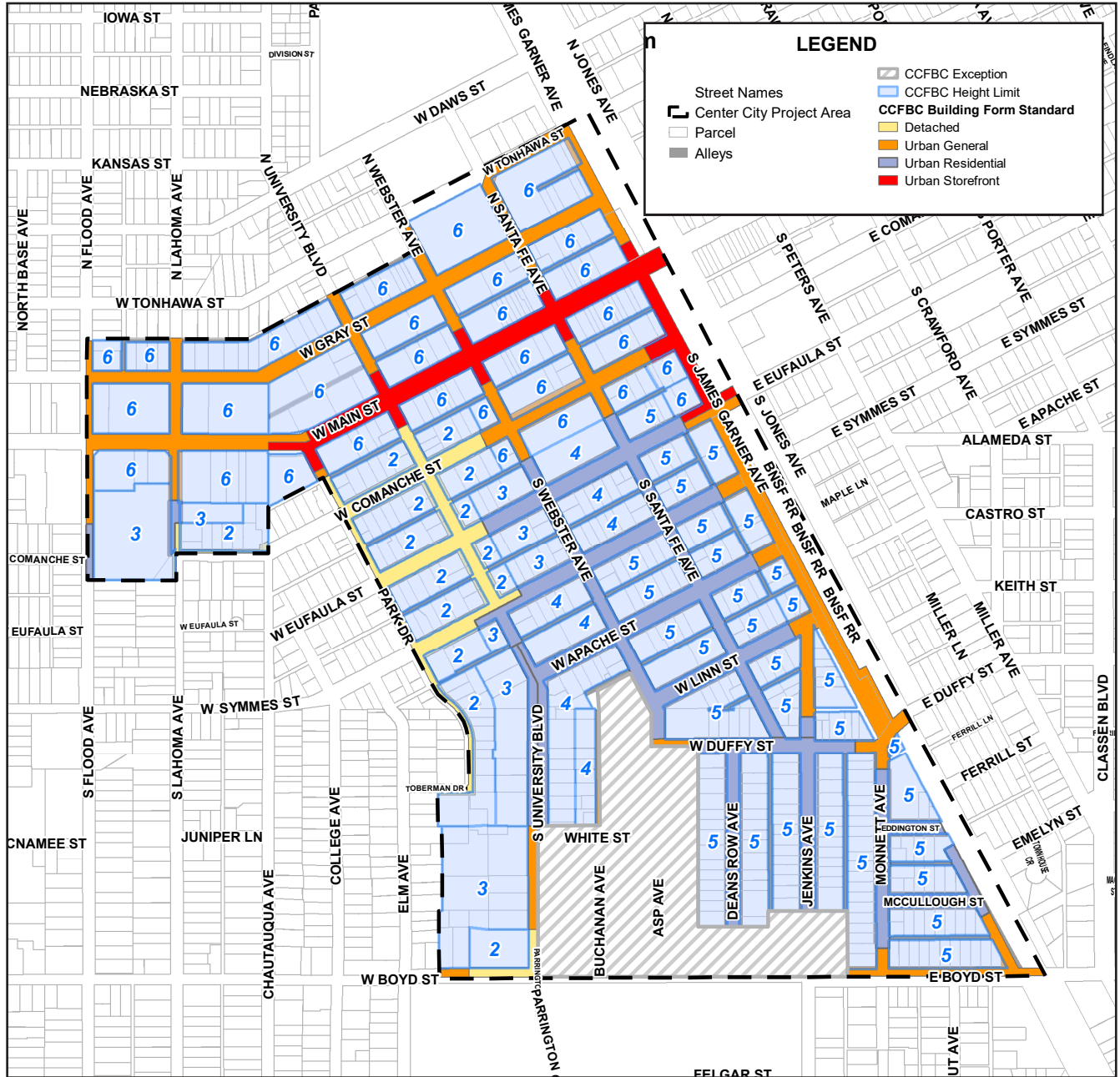


302.B. Center City Regulating Plan Map



Note: This version of the Regulating Plan is shown for illustrative purposes only. A large-scale version of REGULATING PLAN can be found at: www.normanok.gov/your-government/departments/planning-and-community-development/planning-projects/norman-center-city. Contact the Planning and Community Development Department for further information about the Center City Form District and REGULATING PLAN. (Individual BFS may establish superceding RBL requirements.)

302.C. Center City Maximum Building Height Map



Note: Properties with C-3 zoning at the time of CCFBC adoption are exempt from maximum building height limitations. (See Center City Visioning Map (Page 15) for applicable parcels.)

302.D. Center City Unit Minimum Map



Note: This version of the Center City Unit Minimum Map is shown for illustrative purposes only. There is no unit maximum requirement except for Detached Frontage.

Part 4. Building Form Standards

401. Intent

- A. The goal of the BUILDING FORM STANDARDS (BFS) is the creation of a vital, and coherent public realm through the creation of good STREET-SPACE. The intent of these form standards is to shape the STREET-SPACE—the specific physical and functional character—of the Center City Form District. The form and function controls on building frontages work together to frame the STREET-SPACE while allowing the buildings greater latitude behind their FACADES. The BUILDING FORM STANDARDS aim for the minimum level of control necessary to meet this goal.
- B. The BFS set the basic parameters governing building construction, including the building envelope (in three dimensions) and certain required or permitted functional elements.
- C. The BFS establish the rules for DEVELOPMENT and REDEVELOPMENT ON private lots, unless otherwise indicated on the REGULATING PLAN.
- D. The REGULATING PLAN identifies the BUILDING FORM STANDARD for all private building sites within the CC Form District.
- E. These BFS establish a range of DEVELOPMENT intensity and character within the CC Form District specific to each individual frontage, beginning in *Section 403*. The BFS frontages are:
 1. Urban General Frontage, *Section 403*
 2. Urban Residential Frontage, *Section 403*
 3. Urban Storefront Frontage, *Section 404*
 4. Detached Frontage, *Section 405*

402. General Provisions

The following apply to all BFS, unless expressly stated otherwise within an individual BFS or otherwise designated on the REGULATING PLAN.

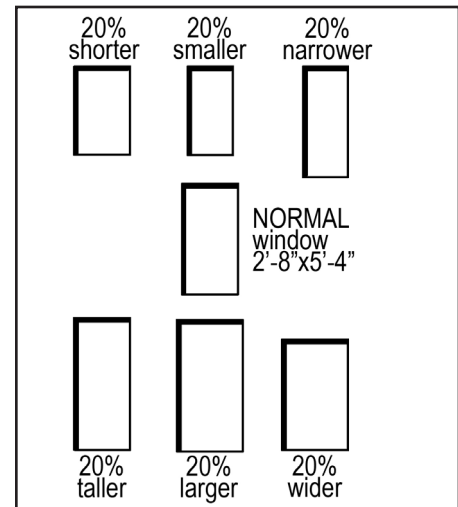
A. Frontage Transitions

When the BFS designation shown on the REGULATING PLAN changes along a property's REQUIRED BUILDING LINE (RBL), that property owner has the option, for that property's STREET FRONTAGE only, of applying either BFS for a maximum additional distance of 50 feet, from the transition point shown on the REGULATING PLAN, in either direction along that RBL.

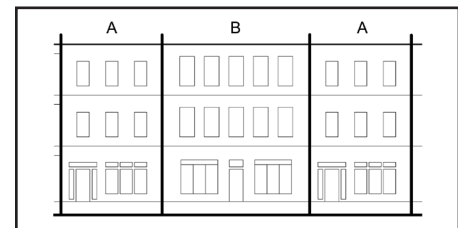
B. Façade Composition

1. "FAÇADE COMPOSITION" is the arrangement and proportion of FACADE materials and elements (windows, doors, columns, pilasters, bays).
 - a. Each FAÇADE COMPOSITION shall include a functioning street entry door. (Only applies to STREET FRONTAGE that is the same as the street address.)

- b. Individual infill projects on lots with STREET FRONTAGE of less than 100 feet on a BLOCK FACE are exempted from the overall FAÇADE COMPOSITION requirement for that BLOCK FACE, but shall still include a functioning street entry. This requirement may be satisfied for large footprint uses, such as large grocery stores, through the use of LINER SHOPS.
2. “COMPLETE AND DISCRETE” distinguishes one part of the FACADE from another to break down the perceived scale of large buildings and provide a better pedestrian experience.
- a. For each BLOCK FACE, FAÇADES along the RBL shall present A COMPLETE AND DISCRETE VERTICAL FAÇADE COMPOSITION to maintain and/or create the pedestrian-scale for the STREET-SPACE, at no greater than the following average STREET FRONTAGE lengths:
- 60 feet for Urban Storefront;
 - 75 feet for Urban General and Urban Residential.
 - A longer FAÇADE COMPOSITION may be presented, as long as smaller compositions appear within the same BLOCK FACE in order to achieve the above-stated average.
- b. To achieve a COMPLETE AND DISCRETE VERTICAL FACADE COMPOSITION (*Item 2* above) within a STREET FRONTAGE requires, at a minimum, *Item i* and at least two additional *Items ii-v*, below:
- Clearly different GROUND STORY FAÇADE COMPOSITION (both framing materials and FENESTRATION proportions) from one bay to the next.
 - FENESTRATION proportions differing at least 20 percent in height or width or height:width ratio. (*See figure 402.B.2.b.ii.*)
 - At least two different bay configurations. (*See figure 402.B.2.b.iii.*)
 - Change in wall material (changes in paint color are insufficient).
 - Change in total FENESTRATION percentage (minimum difference 12 percent; ground floor FAÇADES are not included).



402.B.2.b.ii. Facade composition illustrative intent



402.B.2.b.iii. Facade Composition illustrative intent

C. Building Size

The maximum footprint for a building is 25,000 gross square feet; for buildings beyond that limit, see *Appendices A and B*. This shall not limit parking structures built according to the standards of this Code.

D. Neighborhood Manners

For the Urban General, Urban Storefront, and Urban Residential BFS frontages, the following rules apply:

- Where a site shares a COMMON LOT LINE with a DETACHED BFS frontage lot within the City Center Form District or an R-1 lot adjacent to the western boundary of the District:
 - There shall be at least a 20-foot setback from the COMMON LOT LINE. (*See figure 402.D.1.a.*)
 - Within 50 feet of the COMMON LOT LINE, and within 80 feet of any RBL, any structures shall have a maximum height of 30 feet. This

requirement supersedes the minimum STORY requirement. (See *figure 402.D.1.b-c.*)

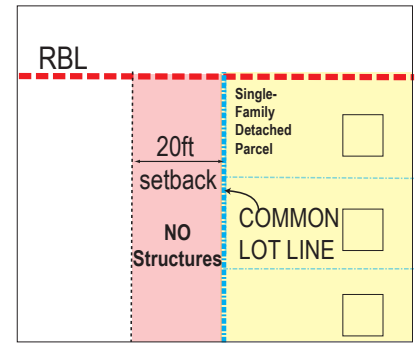
- c. Farther than 80 feet from any RBL, there shall be an additional 30 foot setback (for a total of 50 feet) from the COMMON LOT LINE for all structures. Surface parking is allowed. (See *figure 402.D.1.b-c.*)
2. Where a site has a COMMON LOT LINE with a Detached BFS frontage lot within the City Center District or an R-1 lot adjacent to the District, a GARDEN WALL, 4 to 6 feet in height, shall be constructed within one (1) foot of the COMMON LOT LINE. Trees from the Street Tree List shall be planted, on maximum 30-foot centers, within 10 feet of this wall.

E. Height

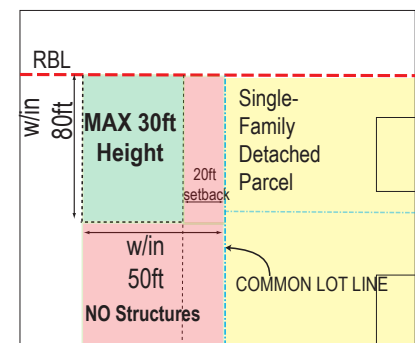
1. The height of all buildings is measured in STORIES, with an ultimate limit in feet, measured from the average fronting public sidewalk elevation to the top of the wall plate, unless otherwise specified in the individual BFS.
2. The minimum FACADE height that is required at the RBL is shown on the individual BFS.
3. The ceiling of an ENGLISH BASEMENT is at least 3 feet above sidewalk grade with windows above grade. ENGLISH BASEMENT units do not count against the STORY height limit but do count against the ultimate height measurement.
4. An ATTIC STORY is not included in the building height measurement.
5. MEZZANINES that have a floor area greater than 1/3rd of the floor area of the STORY in which they are located shall count as an additional full STORY in the building height measurement.
6. At least 80% of each STORY shall meet the minimum CLEAR HEIGHT prescribed in the individual BFS.
7. The GROUND STORY finished floor elevation requirements shall be measured at two points:
 - a. from the average exterior public sidewalk elevation at the RBL, and
 - b. within 30 feet of any RBL.

F. Siting

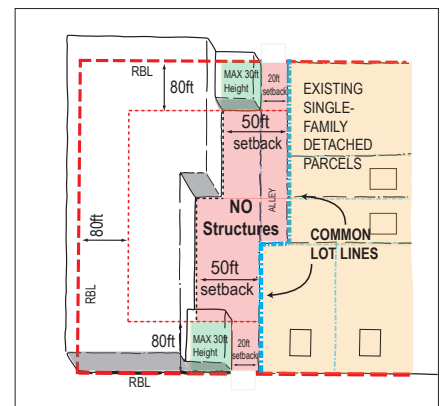
1. Building FACADES shall be built to the RBL as prescribed in the BFS. Single parcels with varied RBLs may select a single RBL and build to that designation.
2. The building FAÇADE shall be built to the RBL within the first 30 feet of a BLOCK CORNER, unless otherwise specified in the BFS. (See *figure 402.F.2.*)
3. The RBL, designated on REGULATING PLAN as an absolute line, incorporates an offset area (or depth) of 24 inches behind that line (into the BUILDABLE AREA) allowing for jogs, FAÇADE articulation, etc. unless otherwise designated herein. Therefore, where the FAÇADE is placed within that 24-inch zone, it is considered to be “built to” the RBL.



402.D.1.a. Neighborhood Manners -- Required setback

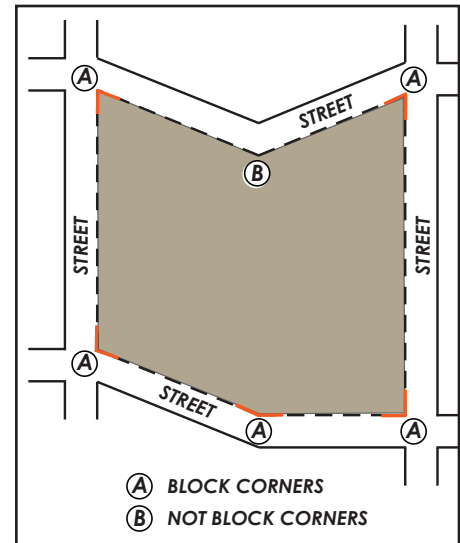


402.D.1.b. Neighborhood Manners -- Height limitations and required setbacks



402.D.1.c. Neighborhood Manners -- Limitations on buildable envelope

4. Where a STREET WALL is required, it shall be located along any RBL frontage that is not otherwise occupied by a building.
5. Buildings may only occupy that portion of the lot specified as the BUILDABLE AREA—the area behind the RBL as designated by the BFS.
6. No part of any building may be located outside of the BUILDABLE AREA except overhanging eaves, AWNINGS, BALCONIES, SHOPFRONTS, BAY WINDOWS, STOOPS, steps, or handicapped ramps approved by the Director. STOOPS, steps, and ramps shall not be located within the CLEAR WALKWAY. Where workable, for appropriate COMMERCE and RETAIL uses, temporary displays or cafe seating may be placed in the DOORYARD.
7. There is no required setback from ALLEYS (or COMMON DRIVES) except as otherwise indicated on the individual BFS. On lots without ALLEY access, there shall be a minimum 15-foot setback from the rear lot line.
8. The PARKING SETBACK LINE is generally 30 feet behind the RBL and extends, vertically from the first floor level, as a plane unless otherwise indicated on the REGULATING PLAN or in the individual BFS. Vehicle parking shall be located behind the PARKING SETBACK LINE, except where parking is provided below grade, on-street, or otherwise indicated on the REGULATING PLAN.
9. All lots, including CORNER LOTS and through lots, shall satisfy the build-to requirements for all their RBL frontages, and the DOORYARD and/or FRONT YARD requirements for each designated BFS, unless otherwise specified in this Code.



402.F.2. Block Corner diagram

G. Private Open Area

1. Any required PRIVATE OPEN AREA located on the ground shall have at least 1 tree per 800 square feet, of at least 2.5 inches in diameter at designated breast height (DBH) and at least 10 feet in overall height. Where new trees are planted to meet this requirement, they shall be no closer than five feet to any COMMON LOT LINE. Urban General, Urban Storefront, and Urban Residential lots that are reusing existing structures (without expansion) are exempt from this requirement.
2. Species must be selected from a list approved by the Director or their designee. Trees listed on the Norman Invasive Species list are prohibited from private open areas.

H. Garage and Parking

1. Curb cuts or driveways, except those along ALLEYS, shall be located at least 75 feet away from any BLOCK CORNER or parking structure entry on the same BLOCK FACE.
2. No portion of a parking structure (except for elevator penthouses) shall exceed the individual BFS ultimate building height in feet; however:
 - a. a parking structure may include additional levels of parking in excess of the building height limit in STORIES, and
 - b. parking on the open, roof level is permitted.

3. Any portion of a parking structure within 20 feet of a building constructed under this Code shall not exceed 40 feet or that building's primary ridge or parapet height, whichever is greater.

I. Elements

1. FENESTRATION is regulated as a percentage of the FAÇADE between floor levels. It is measured as glass area (including mullions and similar window frame elements with a dimension less than one inch) and/or as open area.
2. FENESTRATION shall be distributed such that no 30-foot square section of a FACADE violates the BFS percentage parameters.
3. Unless otherwise designated in the individual BFS, no window may be at an angle of less than 90 degrees from a COMMON LOT LINE within 3 feet, unless:
 - a. That view is contained within the lot (e.g. by a PRIVACY FENCE/ GARDEN WALL, opaque glass), or
 - b. The sill is at least 6 feet above its finished floor level.
4. No part of any building may project forward of the RBL except overhanging eaves, AWNINGS, SHOPFRONTS, BAY WINDOWS, STOOPS, steps, [FRONT PORCHES](#), BALCONIES, or handicapped ramps approved by the Director.
5. GROUND STORY AWNINGS shall maintain a minimum horizontal clearance of 1 foot from any point where the TREE LAWN meets the CLEAR WALKWAY and shall maintain a CLEAR HEIGHT of at least 10 feet above the CLEAR WALKWAY.
6. BALCONIES may not project within 5 feet of a COMMON LOT LINE. Balconies [and FRONT PORCHES](#) may encroach within the public right-of-way, subject to the issuance of applicable permits and required permissions.
7. Where an individual BFS includes BALCONIES as a method for achieving the required PRIVATE OPEN AREA, the BALCONY shall not otherwise be enclosed above a height of 42 inches, except with insect screening and/or columns/posts supporting a roof or connecting with another BALCONY above.
8. BAY WINDOWS shall have an interior clear width of between four and eight feet at the main wall. BAY WINDOWS shall project no more than 42 inches beyond the RBL.
9. ATTIC STORIES are permitted within all BFS frontages.
 - a. On the RBL/FACADE side of the roof pitch (BLOCK interior elevations are not restricted) ATTIC STORY windows may only be located in DORMERS and/or gable-ends.
 - b. ATTIC STORY DORMERS are permitted so long as they do not break the primary eave line, are individually less than 15 feet wide, and their collective width is not more than 60 percent of the RBL FACADE length.
 - c. An ATTIC STORY may not occupy an area greater than 75% of the floor area of the STORY immediately below.

- d. ATTIC STORIES meeting the above standards do not count against the maximum building height in feet or STORIES.
10. At least one functioning entry door shall be provided along each GROUND STORY FAÇADE. No GROUND STORY FACADE may include a section of greater than 75 feet without a functioning entry door, unless otherwise specified in the BFS. (Only applies to STREET FRONTAGE that is the same as the street address.) A FACADE entry door is not required for any DWELLING UNIT with an entry door in a frontage-facing courtyard.
11. All **required** FRONT PORCHES shall be completely covered by a roof. FRONT PORCHES may be screened when all architectural elements (columns, railings, etc.) occur on the outside of the screen on the side facing the STREET-SPACE. The finished FRONT PORCH floor height shall be no more than 8 inches below the first interior finished floor level of the building to which it is attached. FRONT PORCHES shall not extend past the DOORYARD into the CLEAR WALKWAY.
12. The finished STOOP floor height shall be no more than 8 inches below the first interior finished floor level of the building to which it is attached. STOOPS shall not extend past the DOORYARD into the CLEAR WALKWAY.
13. PRIVACY FENCES may be constructed along COMMON LOT LINES behind the RBL, and along ALLEYS. PRIVACY FENCES shall have a maximum height of 8 feet.

J. Architectural Materials (exteriors)

The Center City is a compact, walkable, mixed-use urban district. Traditional, sustainable, durable materials appropriate to the central Oklahoma climate are encouraged. Innovative, energy-efficient materials detailed appropriate to a pedestrian-scaled urban environment are encouraged. The following materials are prohibited:

1. Any lap siding except natural wood or cementitious fiber board.
2. Composition roofing shingles used as a wall material
3. Exposed fastener metal panels
4. Artificial stucco or EIFS, except high impact quality

K. Roof Configurations

Where CLEARLY VISIBLE FROM THE STREET-SPACE, pitched roofs, exclusive of roofs behind parapet walls, shall be pitched between 4:12 and 12:12. Shed roofs, attached to the main structure, shall be pitched between 3:12 and 8:12. (See *Section 402.⊖ N.2.* for standards for screening mechanical equipment.)

L. Civic Use Buildings

When CIVIC USE BUILDINGS are designated on the REGULATING PLAN, they are exempt from the BFS provisions except those required under *Section 402.D. 1-2 Neighborhood Manners*.

M. Signage

The standards in this section, *M. Signage*, apply in the Urban General, Urban Storefront, and Urban Residential frontages and supersede *Chapter 28 (Sign Code Regulations)* of the *Norman Municipal Code* in the areas so designated.

1. Intent and Guiding Illustrations

Signs along commercial and mixed-use frontages should be clear, informative and should weather well. Signage is desirable for advertising shops and offices, and as decoration. Signs should be scaled to the District: mixed-use, pedestrian-oriented, with slow-moving automobile traffic. Signage that is glaring or too large creates distraction, intrudes into and lessens the district experience, and creates visual clutter. The photographs in this *Section 402.M. Signage* are advisory only.

2. General Standards

- a. Wall signs are permitted within the area between the second STORY floor line and the first floor ceiling with a horizontal band not to exceed 2 feet in height. In no case shall this band be higher than 20 feet or lower than 11 feet above the adjacent sidewalk.
- b. Letters shall not exceed 18 inches in height or width. Signs shall not come closer than 2 feet to an adjacent COMMON LOT LINE.
- c. Additionally company logos or names may be placed within this horizontal band or placed or painted within ground floor or second STORY windows.
- d. A masonry or bronze plaque bearing an owner's or building's name may be placed in the building's cornice/parapet wall or under the eaves, and above the upper STORY windows. Any such plaque shall be no larger than a rectangle of 18 square feet.
- e. Blade signs (perpendicular to the REQUIRED BUILDING LINE) not more than 5 feet wide containing a maximum of 25 square feet per side and minimum 9 feet clear height above the sidewalk may be hung from the FAÇADE, or from an overhang or awning. Vertically oriented blade signs less than 30 inches wide may contain up to 30 square feet per side. No blade sign shall extend above the FAÇADE at the RBL.
- f. Neon signs are allowed within SHOPFRONT windows throughout the District.
- g. No more than 25% of a shop or store window may be covered by signage.
- h. Temporary sidewalk easel signs of up to 36" in height are permitted within the DOORYARD area. They may also be considered a permitted obstruction to the sidewalk or right-of-way, with prior approval from the City.
- i. All illumination of signs and buildings shall be by constant light—flashing, traveling, animated, or intermittent lighting shall not be mounted on the exterior of any building, whether such lighting is temporary or permanent.

3. Prohibited Signs

Outdoor advertising signs, roof signs, free-standing pole signs, monument signs, any kind of animation, and signs painted on the exterior walls of buildings. No digital, flashing, scrolling, traveling, animated, or intermittent lighting shall be on the exterior of any building whether such lighting is of temporary or long-term duration. Portable or wheeled signs and advertising



Wall sign



Blade sign



Painted window sign



Masonry parapet sign

located outside any building are not allowed except as specifically allowed for in Section M.2.h.

N. Lighting & Mechanical

1. Lighting Standards¹

- a. Street lights shall be located between 9 feet and 12 feet above grade with a maximum average spacing (per BLOCK face) of 60 feet on center on Storefront frontage sites, 75 feet on Urban General frontage sites, and 100 feet on other frontage streets along the street tree alignment line on each side of the street-space and travel lanes (unless otherwise indicated on the regulating plan). Full cut-off fixtures are required; design must be approved by City staff to meet a “uniform design” within the CCFBC District.
- b. Direct light (i.e. the lighting element) shall be shielded from view from public spaces and adjoining properties.
- c. Any lots with ALLEYS, except for the Detached Frontage, shall have full cut-off lighting fixtures. These fixtures shall illuminate the ALLEY, be between 9 and 16 feet in height, and not cause glare in adjacent lots.
- d. Flood or up-lighting shall not be used to illuminate private building walls or features; except that flood or up-lighting may be permitted on public or private CIVIC BUILDINGS, historic buildings, or monuments to highlight architectural features (such as church steeples or courthouse domes).
- e. Any accent lighting on private structures (except those identified in *Item d.*, above) shall be full cut-off.
- f. Site lighting shall be of a design and height and be located so as to illuminate only the lot. An exterior lighting plan shall be approved as consistent with these standards by the Planning and Community Development Staff.
- g. All illumination of signs and buildings shall be by constant light—flashing, traveling, animated, or intermittent lighting shall not be mounted on the exterior of any building, whether such lighting is temporary or permanent.
- h. Lighting for parking garages shall consider general Crime Prevention Through Environmental Design (CPTED) standards and guidelines.



Neon sign within shopfront window

2. Mechanical Equipment Standards

Mechanical equipment is generally any Heating, Ventilation and Air Conditioning (HVAC) or electrical machinery but also includes air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and similar elements. These elements should not be located in any public areas or be CLEARLY VISIBLE FROM THE STREET-SPACE. Mechanical equipment should not detract or interfere with the pedestrian space or block the sight

¹ Note: Need to incorporate the preferred OG&E specifications for street light standards here.

triangle. Water storage tanks above 100 gallons must be enclosed on at least two sides by the main structure.

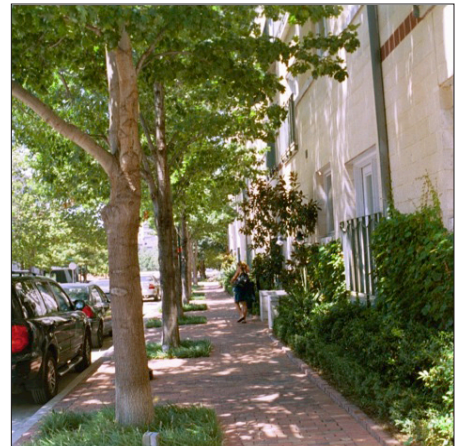
- a. Ground level equipment shall be placed behind and away from any REQUIRED BUILDING LINE, may not be stored or located within any STREET-SPACE, and shall be screened, i.e. not be CLEARLY VISIBLE FROM THE STREET-SPACE. Screening may be achieved by an approved STREET WALL or by placement behind the building or part thereof. These standards apply to: air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and similar equipment.
- b. Roof mounted equipment shall be placed behind and away from any REQUIRED BUILDING LINE and be screened from view from the STREET-SPACE.
 - (i) For pitched roofs, the equipment shall not be located on the roof pitch on the STREET-SPACE side.
 - (ii) For flat and/or parapet roofs, the screening shall be no more than 5 feet in height or the equipment shall be located farther than 20 feet from the REQUIRED BUILDING LINE.

403. Urban General Frontage

ILLUSTRATIONS AND INTENT

Note: These are provided as illustrations of intent. The illustrations and statements on this page are advisory only and do not have the power of law. Refer to the standards on the following pages for the specific prescriptions and restrictions of this Building Form Standard. Where these photos or statements may be inconsistent with the regulations, the regulations prevail.

Urban General is the basic urban STREET FRONTAGE, once common across the United States. The purpose of this frontage is to develop multi-story buildings with three or more DWELLING UNITS within a single structure or ATTACHED STRUCTURES and/or mixed-use placed directly at the sidewalk or behind small DOORYARDS, and with one or more entrances and windows across the FACADE. The uses range from commercial to residential, municipal to retail and restaurants— and combinations of all of the above. There could be several buildings lined up shoulder to shoulder, filling out a BLOCK, or on smaller BLOCKS, a single building might fill the BLOCK face. This frontage is designated in the most intense areas of the Center City District and it is anticipated that there will be significant pedestrian traffic along these BLOCKS.



HEIGHT

Building Height

1. The building shall be at least 2 STORIES in height at the REQUIRED BUILDING LINE (RBL)
2. Properties with C-3 zoning at the time of CCFBC adoption are exempt from maximum building height limitations. (See *Sec. 302.A. Center City Visioning Map* for applicable parcels.)
3. In all other locations, the maximum height of buildings shall conform with the maximum height requirements identified by the *302.C. Center City Maximum Building Height Map*.

Where designated on the REGULATING PLAN, the 5th STORY FACADE shall be stepped back at least 10 feet behind the RBL and no ATTIC STORY is permitted above it.

Ground Story Height

1. COMMERCE, RETAIL and CIVIC uses
(See also *Urban Storefront Standards on page 32.*)
 - a. The GROUND STORY finished floor elevation shall be:
 - i. no lower than the average fronting exterior sidewalk elevation;
 - ii. no higher than 18 inches above the average fronting public sidewalk elevation.
 - b. The GROUND STORY shall have a CLEAR HEIGHT of at least 12 feet along the RBL for a minimum depth of 25 feet.
2. Residential Units with RBL frontage
 - a. The GROUND STORY shall have a CLEAR HEIGHT of at least 9 feet.

Upper Story Height

The minimum CLEAR HEIGHT for each upper STORY is 9 feet.

SITING

Façade

1. On each lot the building FAÇADE shall be built to the REQUIRED BUILDING LINE for 100% of the RBL length.
2. Within 8 feet of the BLOCK CORNER, the GROUND STORY FAÇADE may be chamfered to form a corner entry.
3. On CORNER LOTS, the 100% RBL requirement shall only apply to the addressed STREET FRONTAGE, and the RBL requirement for the non-addressed STREET FRONTAGE shall be 65%.

Buildable Area

1. The BUILDABLE AREA is delineated as anywhere behind the RBL.
2. A PRIVATE OPEN AREA equal to at least 15% of the total BUILDABLE AREA shall be preserved on every lot. Up to 67% of the required PRIVATE OPEN AREA may be satisfied through the BALCONIES of individual units. At least 33% of the PRIVATE OPEN AREA shall comprise no more than two separate contiguous areas, as follows:
 - a. Where located at grade, such PRIVATE OPEN AREA may be located anywhere behind the PARKING SETBACK LINE, but not within any required side or rear setbacks.
 - b. Where provided above the GROUND STORY but below a

- building's highest roof level, the PRIVATE OPEN AREA may be located forward of the PARKING SETBACK LINE (such as in a raised courtyard configuration) and shall open onto no more than one STREET-SPACE and shall be set back at least 30 feet from any BLOCK CORNER or BUILDING CORNER.
- c. Where located on the building's highest roof level, the PRIVATE OPEN AREA may be located anywhere on the roof.
3. A fee in lieu of the 15% minimum Private Open Area may be paid subject to approval by the Parks Board on a square footage basis of \$2.00 per square foot of the 15% Private Open Area. This fee shall be used for Public Open Space improvements within or adjacent to the City Center Area (such as Andrews Park or Legacy Trail).

Garage and Parking

Openings in any RBL for parking garage entries shall have a maximum CLEAR HEIGHT no greater than 16 feet and a clear width no greater than 22 feet.

ELEMENTS

Fenestration

1. Blank lengths of wall exceeding 20 linear feet are prohibited on all REQUIRED BUILDING LINES (RBL), and [other fronting](#) exterior walls, provided the walls are not within 3 feet of the property line.
2. GROUND STORY FENESTRATION shall comprise between 33% and 70% of the GROUND STORY FAÇADEs, and [other fronting](#) exterior walls, provided they are not within 5 feet of the property line.
3. Upper STORY FENESTRATION shall comprise between 20% and 70% of the FAÇADE, and [other fronting](#) exterior wall area per STORY provided they are not within 5 feet of the property line. UPPER STORY FENESTRATION shall comprise between 10% and 70% of the upper story [fronting](#) exterior walls that are 3-5 feet from the property line.

Building Projections

1. AWNINGS shall project:
 - a. a minimum of 4 feet from the FAÇADE
2. AWNINGS may have supporting posts at their outer edge provided that they:
 - a. Have a minimum of 8 feet clear width between the FAÇADE and the AWNING support posts or columns, and
 - b. Provide a continuous walking path at least 5 feet wide within that clear width, running parallel to the AWNING posts/ columns.

Street Walls

1. One access gate no wider than 22 feet and one pedestrian entry gate no wider than 5 feet shall be permitted within any required STREET WALL.
2. A STREET WALL not less than 5 feet in height or greater than 12 feet in height shall be required along any RBL frontage that is not otherwise occupied by a building on the lot.

USE SPECIFICS

Ground Story

The GROUND STORY may house commerce, professional services, or residential uses. See height specifications above for specific requirements unique to each use.

Upper Stories

1. 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, except that restaurant uses are allowed on the roof level of Urban Storefront frontages.
2. No COMMERCE use, except for permitted rooftop restaurants, is permitted above a RESIDENTIAL use.
3. Additional habitable space is permitted within the roof where the roof is configured as an ATTIC STORY.

USE TABLE

The use table identifies the uses allowed in the Urban General BFS.

RESIDENTIAL DWELLING UNITS

Unit Minimums

No parcel containing a residential use shall contain less DWELLING UNITS than the number of stories allowed, as identified on the BFS Height Map minus one (1). Parcels without a building height limit containing a residential use shall have at least five (5) units. There is no maximum unit

requirement. Ground story commercial units shall count toward the residential dwelling unit minimum. All DWELLING UNITS on a parcel shall be contained within a single structure or set of ATTACHED STRUCTURES.

BUILDING CONSTRUCTION

Construction Codes

1. All structures building in the Urban General BFS shall be constructed in compliance with construction codes as follows:
 - b. The GROUND STORY shall be constructed to regulations of the Building Code as adopted in Section 6-201 of the Code of the City of Norman regardless of use.
 - c. All GROUND STORY construction shall be built to meet the most restrictive requirements of the following Use and Occupancy Classifications described in the Building Code: Assembly Group A, Business Group B, and Mercantile Group M.
2. All functioning entry doors for structures built in the Urban General BFS, including corner entries, shall be recessed so that the exterior landing at the door required by the Building Code, would not extend past the RBL.

| USE CATEGORY | | Urban General | | Additional Regulations |
|--------------|------------------------------------|---------------|-------------|------------------------------|
| | | Ground Story | Upper Story | |
| | | | | |
| RESIDENTIAL | Household Living | ✓ | ✓ | Sec. 704.B.1-2; 704.H, 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.2-6 |
| | 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 8.2. Definitions | ✓ | | Sec. 704.C. |

Key: ✓ = Permitted Blank Cell = Not Permitted

URBAN RESIDENTIAL FRONTAGE DISTINCTIONS

All requirements in the Urban General BFS shall apply to the Urban Residential BFS with exception to the following:

1. The finished floor elevation shall be no less than 14 inches and no more than 8 feet above the average exterior public sidewalk elevation at the RBL.
2. The PRIVATE OPEN AREA is permitted anywhere behind the RBL pursuant to applicable FACADE requirements.
3. On each lot, the FACADE shall be built to:
 - a. the RBL for 100% for at least 12' in depth of the RBL length, or
 - b. the RBL for at least 70% for at least 12' in depth of the RBL length, provided PRIVATE OPEN AREA fronts the RBL and is enclosed on all other sides by a structure in a courtyard configuration.
 - i. Only one frontage-facing courtyard shall be allowed per every 50 feet of RBL frontage.
 - ii. Each wing of the structure surrounding the courtyard shall have a minimum width of 30% of the RBL length.
4. A STREET WALL not less than 4 feet or greater than 8 feet in height shall be required along any RBL frontage that is not otherwise occupied by a FACADE or PRIVATE OPEN AREA.

Live-Work Option

Once LIVE-WORK is designated on the REGULATING PLAN, these Urban General BFS standards shall apply, except that the GROUND STORY may be configured at grade, as a SHOPFRONT. (See 404. Urban Storefront for specific requirements and Part 7. Building Functions for restrictions on uses.)

RESIDENTIAL DWELLING UNITS

Unit Minimums

For parcels designated as Urban Residential south of Duffy Street, there shall be no residential DWELLING UNIT minimum. For all other parcels designated as Urban Residential, there shall be a residential DWELLING UNIT minimum of three (3) units. There is no maximum unit requirement. All DWELLING UNITS on a parcel shall be contained within a single structure or set of ATTACHED STRUCTURES. (See Center City Unit Minimum Map on page 18.)

USE TABLE

The use table identifies the uses allowed in the Urban Residential BFS.

| USE CATEGORY | | Urban Residential | | Additional Regulations |
|----------------------|------------------------------------|-------------------|-------------|------------------------------|
| | | Ground Story | Upper Story | |
| | | | | |
| RESIDENTIAL | Household Living | ✓ | ✓ | Sec. 704.B.1-2; 704.H, 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.2, 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 8 2. Definitions | | ✓ | Sec. 704.C. |

Key: ✓ = Permitted Blank Cell = Not Permitted

404. Urban Storefront Frontage

ILLUSTRATIONS AND INTENT

The 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.



These photos are provided as illustrations of intent. They are advisory only and do not have the power of law. Refer to the standards below and on the previous pages for the specific prescriptions and restrictions of this Building Form Standard. Where these photos or statements may be inconsistent with the regulations, the regulations prevail.

Where Urban Storefront BFS is designated on the REGULATING PLAN, the Urban General BFS standards (previous pages) shall apply, except that the GROUND STORY configuration shall be for RETAIL—that of a SHOPFRONT.

- a. GROUND STORY uses are limited to RETAIL SALES or SERVICE, or PROFESSIONAL SERVICE within the first 20 feet behind the RBL.
- b. The minimum GROUND STORY CLEAR HEIGHT is 15 feet.
- c. The GROUND STORY FENESTRATION shall comprise between 50% and 90% of the GROUND STORY FAÇADE.
- d. Single panes of glass shall not be permitted larger than 10 feet in height by 6 feet in width.
- e. GROUND STORY windows may not be made opaque by window treatments or tinting (except operable sunscreen devices within the conditioned space). A minimum of 75% of the window surface shall allow a view into the building interior for a depth of at least 15 feet.
- f. SHOPFRONTS may extend up to 24 inches beyond the FAÇADE or RBL into the DOORYARD, but may not project into the CLEAR WALKWAY.
- g. For all parcels designated as Urban Storefront, there shall be a residential DWELLING UNIT minimum of three (3) units. GROUND STORY commercial units shall count toward the residential dwelling unit minimum.

405. Detached Frontage

ILLUSTRATIONS AND INTENT

Note: These photos and statements are provided as illustrations of intent and are advisory only. They do not have the power of law. Refer to the standards on the following pages for the specific prescriptions and restrictions of the Detached Building form standard. Where these photos or statements may be inconsistent with the regulations, the regulations prevail.

The Detached BFS Frontage is represented by the traditional one DWELLING UNIT structure with small front, side, and rear yards along a tree-lined street. Structures are 1 to 2 stories in height with pitched roofs and front porches. Its purpose is to protect the character of existing single family neighborhoods.



Detached

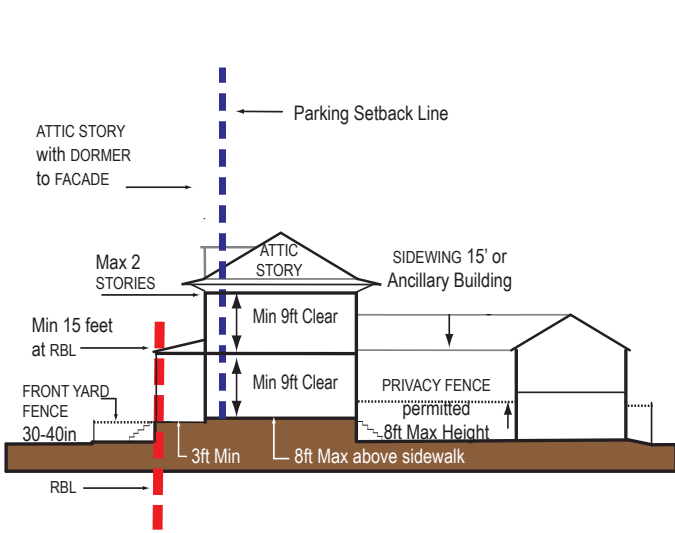


Diagram 405.a: Height

HEIGHT

Building Height

1. Each building shall be at least 15 feet at the REQUIRED BUILDING LINE (RBL), but no greater than 2 STORIES or 27 feet in height.
2. A SIDEWING shall be no higher than 15 feet.
3. Any ancillary structure in the BUILDABLE AREA at the rear of the lot shall be no higher than the principal structure on the lot.

Ground Story Height

1. The finished floor elevation shall be no less than 3 feet and no more than 8 feet above the average exterior sidewalk elevation at the RBL.
2. The GROUND STORY shall have an interior CLEAR HEIGHT of at least 9 feet.

Upper Story Height

Each upper STORY shall have an interior CLEAR HEIGHT of at least 9 feet.

Front Yard Fence

Any FRONT YARD FENCE has a minimum height of 30 inches and a maximum height of 40 inches.

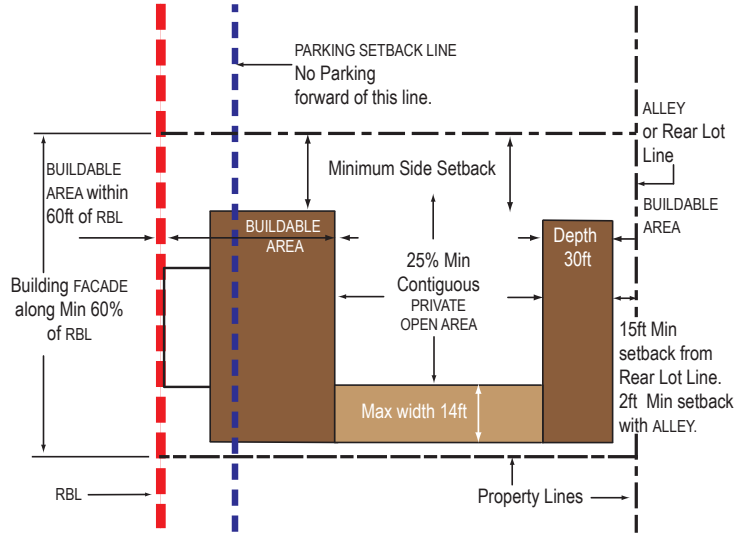


Diagram 405.b: Siting

SITING

Façade

1. On each lot the FACADE shall be built parallel to the REQUIRED BUILDING LINE (RBL) for at least 60% of the building width. The FRONT PORCH shall be built-to the RBL.
2. For CORNER LOTS the minimum 60% build-to shall include the STREET FRONTAGE within 20 feet of the BLOCK CORNER.

Buildable Area

1. The BUILDABLE AREA is as defined in Diagram 405.b. above.
2. A contiguous PRIVATE OPEN AREA equal to at least 25% of the total BUILDABLE AREA shall be preserved on every lot. Such contiguous area shall be located at grade, anywhere behind the PARKING SETBACK LINE and not include any side or rear setbacks.

Lot Size and Setbacks

1. All lots of record are buildable under this code.
2. Newly subdivided lots shall have a minimum width at the RBL of 32 feet, a maximum width of 55 feet, and a minimum depth of 85 feet.
3. The minimum side lot setbacks are 5 feet or as otherwise designated on the REGULATING PLAN.
4. FRONT YARD setbacks: DEVELOPMENT and REDEVELOPMENT, may construct at the setback of the existing structure or follow an existing setback on an adjacent/neighbor property in the Detached Frontage BFS only.

Front Yard

The FRONT YARD/DOORYARD shall not be paved except for walkways.

Garages, Parking and Alleys

1. Garage doors shall not be located on the RBL/FACADE.
2. There is a 2 foot required setback from ALLEYS.

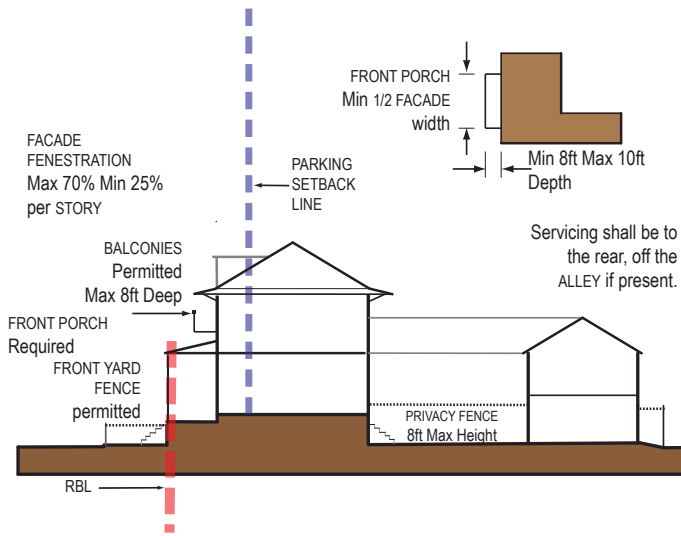


Diagram 405.c: Elements

ELEMENTS

Fenestration

1. Blank lengths of wall exceeding 15 linear feet are prohibited on all FAÇADES.
2. FENESTRATION shall comprise at least 25%, but not more than 70%, of all FAÇADES.

Building Projections

1. Each building FAÇADE shall include a FRONT PORCH at the RBL, between 8 feet and 10 feet deep with a width not less than 1/2 of the FAÇADE width.
2. No part of any building except the FRONT PORCH roof (overhanging eaves) and steps may encroach beyond the RBL into the DOORYARD.

Doors/Entries

At least one functioning entry door shall be provided along the GROUND STORY FAÇADE. (Applies to STREET FRONTAGE, same as street address.)

Street Walls and Fences

1. There is no STREET WALL requirement.
2. Any FRONT YARD FENCE shall be within one foot of the CLEAR WALKWAY/DOORYARD line parallel to the RBL and along COMMON LOT LINES to a point at least even with the FAÇADE.
3. A PRIVACY FENCE may be constructed along a COMMON LOT LINE behind the FAÇADE.

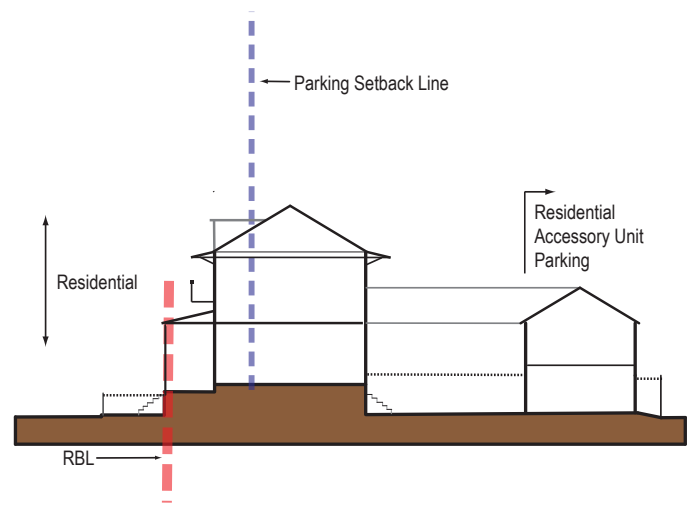


Diagram 405.d: Use

USE

All Stories

1. Only RESIDENTIAL uses are permitted - one DWELLING UNIT or one DWELLING UNIT with an ACCESSORY UNIT allowed.
2. Additional habitable space is permitted within the roof where the roof is configured as an ATTIC STORY.

Accessory Uses

Parking and ACCESSORY UNIT (maximum 650 square feet) uses are permitted in the BUILDABLE AREA at the rear of the lot.

Part 5. Urban Space Standards

501. Applicability

- A. The Urban Space Standards apply to new DEVELOPMENT and REDEVELOPMENT as well as the reconstruction of existing streets and other public (and publicly accessible) spaces.
- B. The Urban Space Standards establish the rules and standards for the complete STREET-SPACE (especially streets and sidewalks).

502. Intent

- A. Although commonly thought of as just parks or greens, the urban space (or public realm) is much more; it includes the complete STREET-SPACE—the public domain between the building FAÇADES; the travel lanes between the curbs as well as the sidewalks; public plazas as well as urban squares and CIVIC GREENS.
- B. The Urban Space Standards have the following goals:
 1. To establish an environment that encourages and facilitates pedestrian activity. “Walkable” streets are comfortable, efficient, safe, and interesting.
 2. To ensure the coherence of the STREET-SPACE, serving to assist residents, building owners, and managers with understanding the relationship between the STREET-SPACE and their own properties.
 3. To contribute to ultimate sustainability. Native (and non-native adapted) trees and plants contribute to privacy, the reduction of noise and air pollution, shade, maintenance of the natural habitat, conservation of water, and storm-water management.
- C. Property frontages and building FAÇADES are part of the public realm, literally forming the walls of the public STREET-SPACE and are therefore subject to more regulation than the other portions of the private property.
- D. The private, interior portions of the lots (toward the ALLEY or rear lot lines) are much less regulated to allow commercial operators to utilize these spaces as efficient working environments unseen by the public and allow residents to have private (semi-private for apartment and condominium dwellers) gardens and courtyards.

503. Street Type Specifications

The Street Type Specifications illustrate the recommended typical configurations for STREET-SPACES within the Center City Form District. The plans and sections specify ideal vehicular travel lane widths, curb radii, sidewalks, tree planting areas, and on-street parking configurations. They also provide a COMPARATIVE PEDESTRIAN CROSSING time as a gauge of relative pedestrian crossing-comfort between the various street types. The streets within the CC Form District must work in conjunction with the Building Form Standards to create the type of walkable, mixed-use place envisioned by the community.

A. Intent and Principles

1. General Intent

- a. Streets are a community's first and foremost public spaces and should be just as carefully designed and planned as any park or public building. The character of the STREET-SPACE—both its scale and its details—determines the pedestrian quality of a given location.
- b. Streets must balance the needs of all forms of traffic—auto, transit, bicycle and pedestrian—to maximize mobility and convenience for all residents and users. Their character will vary depending on their location: some streets will carry a large volume of traffic and provide a more active and intense urban pedestrian experience while others will provide a less active and more intimately scaled STREET-SPACE.
- c. These are city streets—not highways or roads—and must be developed as such to create people-oriented places balancing all transportation modes. The neighborhood streets are designed primarily for walkability and pedestrian comfort, with automobile movement as a secondary focus. The Main, Gray and Boyd specifications grant more to the free movements of vehicles, while maintaining fair walkability.

2. Principles

- a. The appropriate design of streets is one of the most important design elements for *Center City place-making*.
- b. To design for continuous free-flowing vehicle traffic creates situations where vehicles will travel at speeds greater than desirable for pedestrians.
- c. With appropriate design, drivers will choose slower speeds and less aggressive behavior, a feat typically not achieved through basic speed limit signage/postings.
- d. Scale is a threshold design consideration for street design elements (from signage to crossing distances)—in a neighborhood, town or city it should be that of the pedestrian.
- e. An interconnected street network allows traffic capacity to be diffused and maintained across numerous streets.
- f. Emergency vehicle access must be maintained, but with an interconnected street network, there will always be at least two routes of access to any lot or parcel.

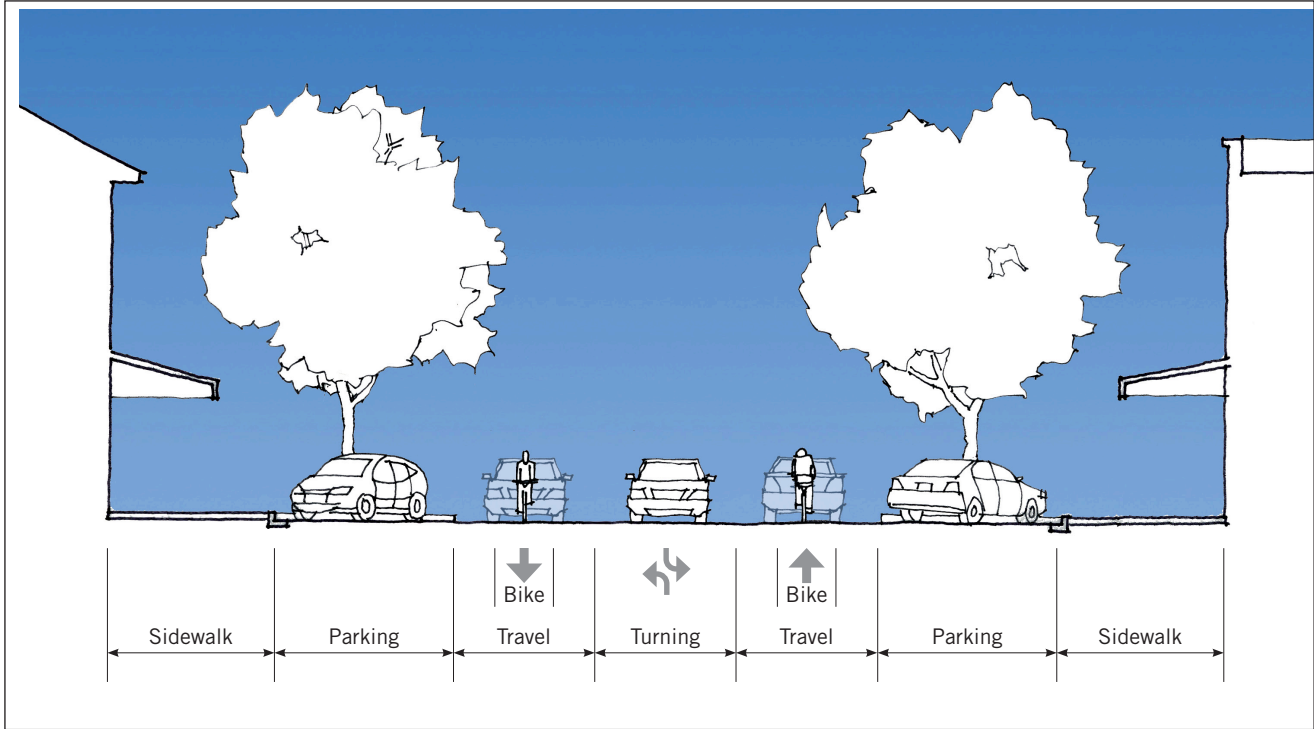
- g. Differences between “requirements” and “preferences” can be significant—increased lane width and the accompanying increased vehicle speed more often than not decrease the overall safety for pedestrians.
- h. On-street parking slows passing vehicular traffic and acts as a buffer between moving vehicles and pedestrians. City staff will review and approve on-street parking design on a case-by-case basis depending on the street classification.
- i. Overall function, comfort, safety and aesthetics of a street are more important than automobile efficiency alone.
- j. In a pedestrian-oriented area, non-vehicular traffic should be provided with every practical advantage so long as safety is not adversely affected.
- k. Street design should take into consideration what is reasonably foreseeable, not every situation that is conceivably possible.
- l. Designing a street to facilitate (rather than accommodate) infrequent users may actually result in the wrong design for the frequent users of the STREET-SPACE.
- m. When the street design creates a conflict between the vehicular and non-vehicular user, it should be resolved in favor of the non-vehicular user unless public safety will be truly jeopardized by the resolution.

B. Street Types

1. These are the proposed street types and ideal configurations within the CC Form District. The numbers refer to dimensions within the STREET-SPACE. The first number¹ is the literal STREET-SPACE (the distance between FAÇADES across the street) and the second is the distance to the back-of-curb (includes travel lanes, any on-street parking, and curb and gutter).
 - a. Main Street: MS-98/43
 - b. Boyd Street: ST-88/43
 - c. Neighborhood Street: ST-80+/38
 - d. Neighborhood Street: ST-66+/38
 - e. Alley: A-24
 See *Diagrams 503.B.1.a.-e.* on the following pages.
2. On Main Street: MS - 98/43 specification, sharrows, clearly marked shared bicycle and automobile lanes are shown. On Boyd Street: ST - 88/43 specification, dedicated bike lanes are shown. The other street types are configured such that in-lane bicycle travel is encouraged and appropriate.
3. DOORYARDS and ALLEYS are generally reserved for utility easements.

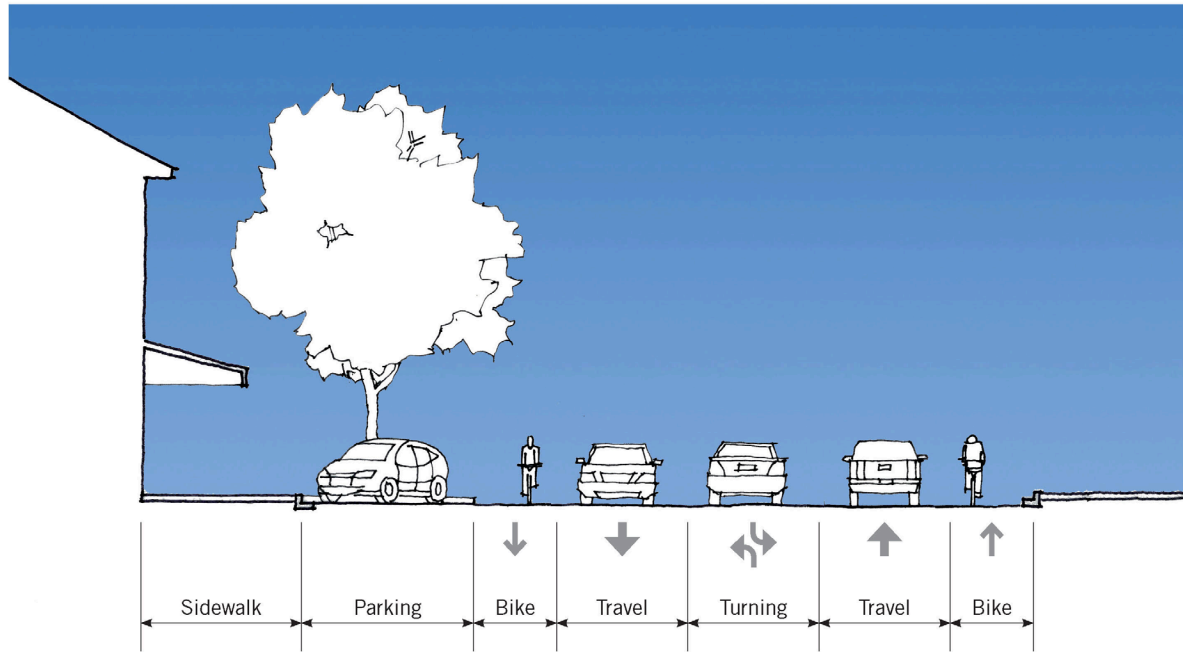
¹ Note: Due to the fact that the existing rights-of-way within the CC Form District vary dramatically, the first number for the Neighborhood Streets includes a plus (+) sign. The distance above the base number (either 80 or 66) is typically added to the front yard or dooryard space in the Neighborhood Street Type diagrams on the following pages.

Diagram 503.B.1.a: Main Street: MS-98/43



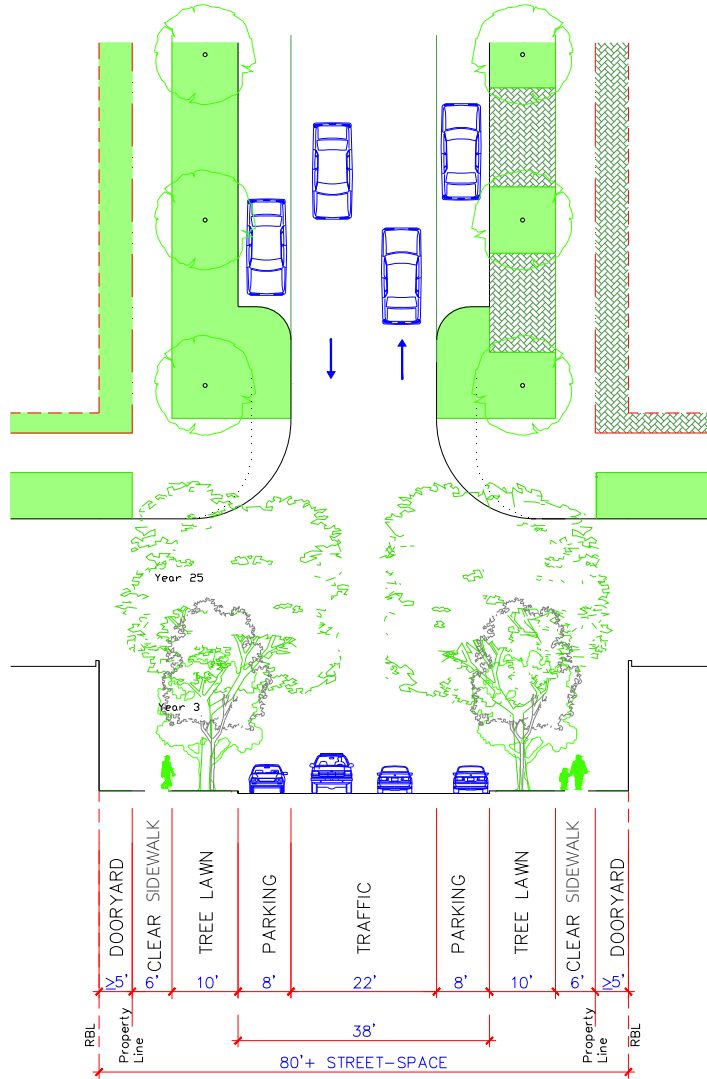
[Note: Illustration is advisory only](#)

Diagram 503.B.1.b: Boyd Street: ST-88/43



[Note: Illustration is advisory only](#)

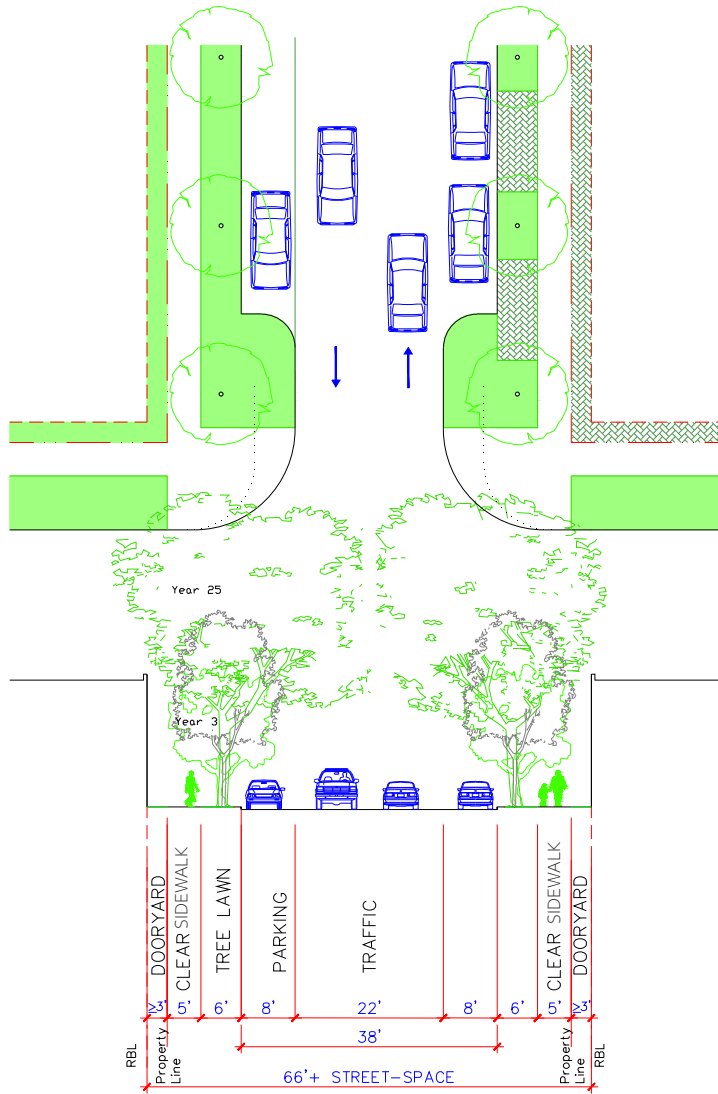
Neighborhood ST 80+/38



| | |
|--------------------------------------|--------------------------------------------------------|
| STREET-SPACE | 80', per RBL |
| Traffic Lanes | 11' |
| TREE LAWN | 10' |
| Clear Sidewalk | 6' |
| DOORYARD | see Regulating Plan, 5'typ.min. street |
| movement | Free |
| design & posted speed | 20-25 mph |
| on street parking | Both Sides, Striped |
| Right of Way | 70' (varies) |
| pavement width | 38' |
| curb type | vertical |
| curb radius | 20' with curb extensions 10' w/o |
| planting | Street Trees Max Avg 30'ctc |
| comparative pedestrian crossing time | 5.9 seconds w/curb extensions. 10.2 seconds without |

Note: Illustration is advisory only

Neighborhood ST 66+/38

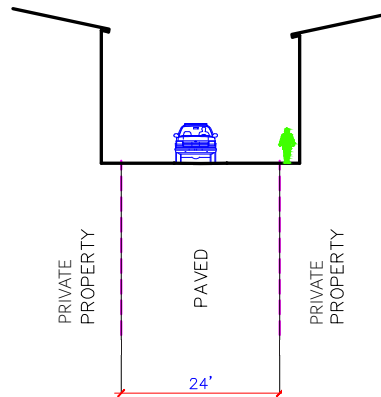
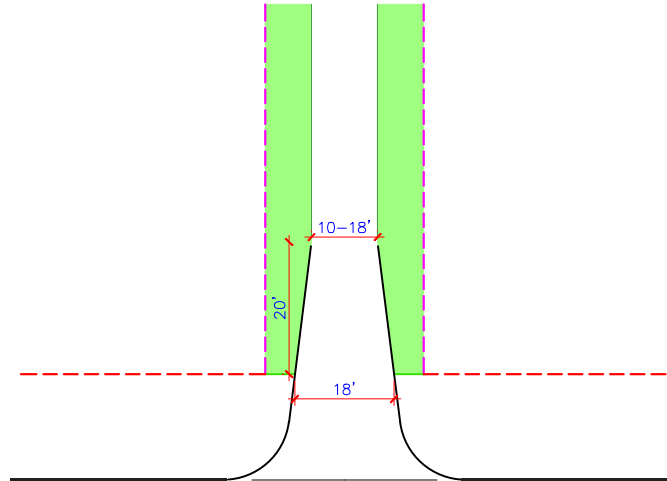


| | |
|--------------------------------------|--------------------------------------------------------|
| STREET-SPACE | 66', per RBL |
| Traffic Lanes | 11' |
| TREE LAWN | 6' |
| Clear Sidewalk | 5' |
| DOORYARD | see Regulating Plan, 3'typ.min. |
| type | street |
| movement | Free |
| design & posted speed | 20-25 mph |
| traffic function | two way |
| on street parking | Both Sides, Striped |
| Right of Way | 60' (varies) |
| pavement width | 38' |
| curb type | vertical |
| curb radius | 20' with curb extensions 10' w/o |
| planting | Street Trees Max Avg 30'ctc |
| comparative pedestrian crossing time | 5.9 seconds w/curb extensions. 10.2 seconds without |

Note: Illustration is advisory only

Diagram 503.B.1.e: Alley: A-24

Alley A-24



| | |
|---------------------------------|--------------------------|
| ROW or Easement | 24' |
| type | alley |
| movement | Slow |
| design speed | 5-10 mph |
| traffic function | two way- Yield Situation |
| pavement width | 10'-18' |
| curb type | vertical, at Entry Only |
| curb radius | 10-15" |
| comparative pedestrian crossing | 4.3 seconds |

Note: Illustration is advisory only

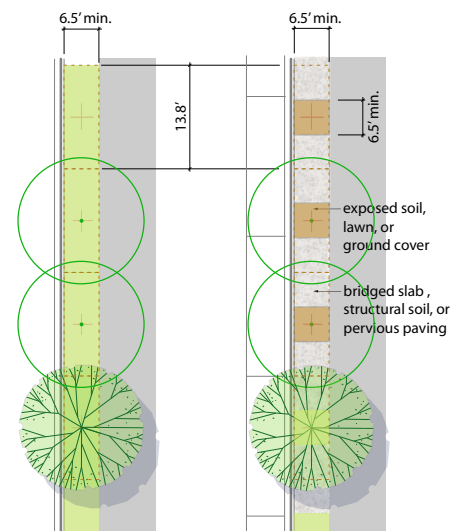
504. Streetscape Standards

A. General Provisions

1. All plant material (including trees) shall pass any inspections required under State regulations.
2. All turf grass shall be solidly sodded at installation—not seeded, sprigged, or plugged. Vegetative groundcovers may be used in place of turf grass.
3. In addition to the lot, the owner must maintain the following areas:
 - a. The portion of the STREET-SPACE between their RBL and the back of the curb.
 - b. The portion of the ALLEY between the lot line and the edge of the ALLEY pavement.
4. Mechanical and electrical equipment including, but not limited to, air compressors, pumps, exterior water heaters, water softeners, private garbage cans (not including public sidewalk waste bins), and storage tanks may not be stored or located within any STREET-SPACE. (Water pumps for public fountains or irrigation not visible are not included in this prohibition. Temporary placement of private garbage cans within the STREET-SPACE may be allowed to accommodate scheduled pick-up.)

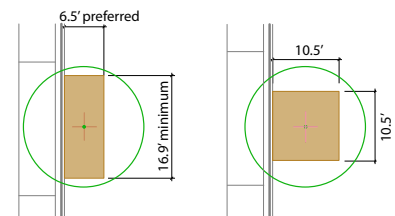
B. Street Trees

1. Each STREET-SPACE must have STREET TREES planted along the STREET TREE ALIGNMENT LINE (generally 3 to 3½ feet from the back of the curb unless otherwise specified in the REGULATING PLAN or Street Type Specification) at an average spacing not greater than 30 feet on center (calculated per BLOCK FACE). Where necessary, spacing allowances may be made to accommodate curb cuts, fire hydrants and other infrastructure elements; however, in no location may STREET TREE spacing exceed 45 feet on center except where necessary for transit stops or stations. Required STREET TREE planting area configurations are specified in the Street Type Specifications and below.
2. Required tree planting area minimum specifications are as follows:
 - a. STREET TREE planting areas shall be at grade or not greater than six inches in height above or below the sidewalk
 - (i) Soil surface area shall not be less than 110 square feet per isolated tree or 90 square feet per tree for connected (TREE LAWN) situations. (See *Illustrations 504.B.2(i) and (ii).*)
 - (ii) No dimension of the soil surface area may be less than 6 feet unless otherwise specified in this Code.
 - (iii) The Street Type Specifications above are configured for street tree trenches. The above requirements may be met through the use of bridged slab, structural soil, or other techniques that clearly exceed these standards in the fostering of vital and long-lived STREET TREES.



90 square feet minimum per tree

Continuous Tree Lawn Continuous Soil Area
504.B.2(i) Connected Situation



110 square feet minimum per tree

Individual Tree Planting
504.B.2(ii) Isolated Tree Situation

- b. At planting, STREET TREES shall be at least 2.5 inches in diameter at designated breast height (DBH) and at least ten feet in overall height. Species must be selected from the STREET TREE LIST (see Tree Lists). Consult with the designated City staff for the designated tree species for a particular STREET-SPACE.
- c. Any unpaved ground area shall be planted with groundcover, flowering vegetation, or climbing vines, not to exceed 12 inches in height. STREET TREES must be “limbed up” as they gain appropriate maturity so as to not interfere with pedestrian or truck travel (minimum 7 feet clear over the sidewalk and 14 feet over any travel lanes) and to maintain visibility.

C. Streetscape Elements

1. At the time of DEVELOPMENT, the developer is required to install sidewalks, as illustrated in Street Type Specifications, on the side of the STREET-SPACE being developed.
2. Sidewalks not otherwise designated in the REGULATING PLAN or Street Type Specifications shall be a minimum of six feet wide and be constructed to meet all City (and ADA) standards and specifications.
3. Street furniture is an element of the overall STREET-SPACE design—not an afterthought. Street furnishings should be simple, functional, and durable.

D. On-Street Parking

1. On-street parking spaces shall count towards parking requirements. (See *Part 6. Parking and Loading Standards Section 603.C.*)
2. The parking space/tree planting pattern may be interrupted by existing or new driveways designated in the REGULATING PLAN, streets, and ALLEYS, but the requirements in B.1 above shall be met, except where necessary for any transit stops or stations.
3. Parking spaces must be constructed in a manner that allows proper drainage (generally a “w” profile, having a gutter pan between the travel and parking lanes).
4. Where required, bicycle parking shall be provided on the same lot as the DEVELOPMENT. (See *Appendix C* for additional requirements.)
 - a. For residential lots containing more than three DWELLING UNITS on the same lot, there shall be one bicycle parking space provided for the first eight (8) car parking spaces, and one bicycle space for each ten (10) car spaces provided thereafter. Single family, two-family, and three-family units on the same lot are exempt from the requirement to provide bicycle parking facilities.
 - b. For other non-residential uses, there shall be one bicycle parking space provided for any parking area containing at least eight car spaces, and one additional bicycle space for each twenty (20) car spaces thereafter.

5. On-street parking shall comply with applicable ordinances regarding distance to intersections, stop signs, and other street elements.

505. Plazas, Squares and Civic Greens

A. Intent

1. These standards apply to those spaces that are either publicly owned or publicly accessible, as designated on the REGULATING PLAN.
2. SQUARES, CIVIC GREENS and plazas should be situated at prominent locations. The green plants and trees of SQUARES and CIVIC GREENS provide a landscape and civic architecture that complement the surrounding private building architecture.
3. SQUARES are active pedestrian centers. CIVIC GREENS are spaces intended for less intensive foot traffic. Surface treatment is regulated accordingly.
4. Pervious paving materials (to allow oxygen for tree roots and absorb stormwater run-off) are encouraged in both SQUARES and CIVIC GREENS, and the percentage of impervious paving material is limited. Pervious paving materials must be approved by the Public Works Department. (see 505.C. *Materials and Configurations* below.)

B. Standards

SQUARES and CIVIC GREENS must be designed, planted and maintained according to the following requirements:

1. SQUARES and CIVIC GREENS shall have at least 60 percent of their perimeter fronting public rights-of-way. Both shall be surrounded by STREET TREES. Their dimensions shall be no narrower than a 1:5 ratio and no SQUARE or CIVIC GREEN width or breadth dimension shall be less than 25 feet.
2. Appropriate to their high (pedestrian) traffic level SQUARES must be designed with a higher percentage of paved surface area. (see C.2 below)
3. A clear view through the SQUARE or CIVIC GREEN (from two to seven feet in height) is required, both for safety and urban design purposes.
4. SQUARES and CIVIC GREENS shall not include active recreation structures such as ball fields and courts.

C. Materials and Configurations

1. General

- a. STREET TREES shall be planted along the alignment shown in the street type specification, and in accordance with *Section. 504, B. Street Trees*. They may (generally will) be of a different species than the connecting streets.
- b. The ground surface level elevation shall be between 0 and 18 inches above the top of the adjacent curb.
- c. The maximum slope across any SQUARE or CIVIC GREEN shall not exceed ten percent.

- d. Except for tree trunks, streetlights, CIVIC USE BUILDINGS, public art or monuments, there shall be a clear view between two and seven feet above grade. The foliage of newly planted trees may intrude into this area until the tree has sufficient growth to allow such a clear trunk height.
- e. Trees within a SQUARE or CIVIC GREEN may also be selected from the public space tree lists (see *Section 506. Tree Lists*).
- f. Asphalt is prohibited within a SQUARE or CIVIC GREEN tract.

2. Squares

Appropriate to their high (pedestrian) traffic level, SQUARES shall incorporate a higher percentage of paved surface area. Surface treatment and materials (within the back-of-curb to back-of-curb area, excluding any CIVIC USE BUILDING, public art or monument footprint) shall be between 20 percent and 35 percent unpaved pervious surface (turf, groundcover, gravel, soil or mulch).

3. Civic Greens

Appropriate to their less intensive character, CIVIC GREENS shall be designed with a lower percentage of paved surface area. Surface treatment and materials (within the area back-of-curb to back-of-curb area excluding any CIVIC USE BUILDING, public art or monument footprint) shall be a minimum 50 percent unpaved pervious surface area (such as turf, groundcover, gravel, soil or mulch).

4. Pedestrian Pathway

The area within a PEDESTRIAN PATHWAY shall be a public access easement or public right of way. The easement width for these pathways must not be less than 20 feet with a paved walkway not less than ten feet wide providing an unobstructed view straight through its entire length, except where otherwise specified on the REGULATING PLAN.

506. Tree Lists

A. General

1. The following lists contain all approved tree species for use in the CC Form District. The lists include native and acceptable adapted species. Other species may be used for planting within a private lot. These lists may be periodically reviewed for disease and climate appropriateness and amended by the City, as necessary.
2. Invasive exotic species may not be used anywhere on private lots or other areas.

B. Street Trees

1. Species in the Street Tree List are for placement as shown in Street Type Specifications, or as specified in the REGULATING PLAN for placement along the STREET TREE ALIGNMENT LINE. The use of alternate species may be permitted, but only if approved by the designated City staff.

2. STREET TREES are part of an overall STREET-SPACE plan designed to provide both canopy and shade and to give special character and coherence to each street. The desired aesthetic must be achieved through the use of native and/or proven hardy adapted species. Appropriate STREET TREE species may change over time and this list may be periodically amended by the designated City staff. Inclusion in this list shall be based on the following criteria:
 - a. Structural – STREET TREES shape and subdivide the STREET-SPACE, increasing pedestrian comfort and adding (literal) value to the street/community. “Canopy Shade Tree” species grow to heights in excess of 60 feet and have a broad canopy—enabling them to clear auto traffic and pedestrians, form a ceiling-like enclosure, and open a clear view of the STREET-SPACE, FAÇADES, and SHOPFRONTS at eye-level.
 - b. Pragmatic – Life as a typically placed street tree is nasty, brutish, and short. Few species are tough enough to survive and grow. Appropriate species have special tolerance to salt and soil compaction. STREET TREE planting techniques and configurations provide a healthy environment in which the tree can thrive—this will ensure that the trees increase their value to the community as they grow.
 - c. Design – Species are planted consistently along a given STREET-SPACE to provide a special form and character. This provides species diversity at the same time it provides a specific street character by planting different STREET-SPACES with different trees.

STREET TREE LIST

(Large Canopy Trees – mature height 60 feet and above)

| | |
|--------------------------------------------------|----------------------------|
| <i>Celtis occidentalis</i> | Common Hackberry |
| <i>Ginkgo biloba</i> | Ginkgo (male only) |
| <i>Gleditsia triacanthos</i> var. <i>inermis</i> | Thornless Honey Locust |
| <i>Platanus acerifolia</i> ‘Yarwood’ | Yarwood Plane tree |
| <i>Platanus occidentalis</i> ‘Bloodgood’ | London Plane tree |
| <i>Quercus acutissima</i> | Sawtooth Oak |
| <i>Quercus alba</i> | White Oak |
| <i>Quercus coccinea</i> | Scarlet Oak |
| <i>Quercus muhlenbergii</i> | Chinquapin Oak |
| <i>Quercus palustris</i> | Pin Oak |
| <i>Quercus phellos</i> | Willow Oak |
| <i>Quercus buckleyi shumardii</i> | Red Oak |
| <i>Quercus velutina</i> | Black Oak |
| <i>Tilia Americana</i> | Basswood/American Linden |
| <i>Ulmus hollandica</i> ‘Groenveldt’ | Groenveldt Elm |
| <i>Ulmus americana</i> “libertas” | Liberty Elm |
| <i>Ulmus parvifolia</i> | Chinese/Lacebark/Drake Elm |

3. Public Space Trees

In addition to the above trees, the following trees may be placed within DOORYARDS, SQUARES OF CIVIC GREENS.

PUBLIC SPACE TREE LIST

| | |
|----------------------------------------------|-----------------|
| <i>Carya illinoensis</i> | Pecan |
| <i>Cerus canadensis</i> var. <i>texensis</i> | Texas Redbud |
| <i>Cerus x texensis</i> | Oklahoma Redbud |
| <i>Juglans nigra</i> | Black Walnut |
| <i>Magnolia grandiflora</i> | Magnolia |
| <i>Quercus macrocarpa</i> | Bur Oak |
| <i>Quercus muhlenbergii</i> | Chinquapin Oak |
| <i>Taxodium ascendens</i> | Pond Cypress |
| <i>Taxodium distichum</i> | Bald Cypress |

4. Private Space Plantings

No trees or other plant species that have been identified as invasive may be planted in any outdoor location within the City Center District.

Part 6. Parking and Loading Standards

601. Intent

- A. Promote a “park once” environment that will enable people to conveniently park and access a variety of commercial, residential, and civic enterprises in pedestrian friendly environments by encouraging shared parking.
- B. Reduce fragmented, uncoordinated, inefficient, reserved single-purpose parking.
- C. Avoid adverse parking impacts on neighborhoods adjacent to REDEVELOPMENT areas.
- D. Maximize on-street parking.
- E. Provide flexibility for REDEVELOPMENT of small sites and for the preservation or reuse of historic buildings.
- F. Increase visibility and accessibility of public parking.
- G. Support and encourage a multi-modal, bicycle and pedestrian-friendly environment.

602. Other Applicable Regulations

Pervious surfaces approved by the City Engineer are encouraged for surface parking lots.

603. Minimum Parking Requirements

- A. Properties zoned C-3 at the time of CCFBC adoption are exempt from these minimum parking requirements. See *Part 3, Section 302. Illustrative Form District Map 302.A., Center City Visioning Map.* for the applicable parcels. Properties zoned C-2 and located on Gray Street extending from Lahoma Avenue on the West to the railroad tracks on the East shall also be exempt from the minimum parking requirements of the CCFBC.
- B. There is no minimum parking requirement for the re-use or renovation of an existing structure in which there is no gross floor area expansion.
- C. An inset parking space located on a public street may be included in the calculation of parking requirements if it is adjacent to the building site (where more than 50% of the space is located within the street fronting the DEVELOPMENT parcel). On-street parking is subject to approval from the City of Norman’s Transportation Engineer.
- D. Each on-street parking space may only be counted once.
- E. Minimum reserved parking: Reserved parking includes all parking that is not shared parking.
 1. COMMERCE/CIVIC uses: There is no minimum requirement for reserved parking.

2. Residential—minimum reserved parking spaces per unit:
 - a. STUDIO unit .5 spaces/unit
 - b. 1 BEDROOM unit .5 spaces/BEDROOM
 - c. 2 BEDROOM unit .5 spaces/BEDROOM
 - d. 3 BEDROOM unit or greater 1 space/BEDROOM

F. Minimum Shared Parking for Urban General, Urban Storefront, and Urban Residential Frontages:

1. COMMERCE: There are no minimum shared parking requirements where the non-residential Gross Floor Area (GFA) is under 10,000 square feet. Sites over 10,000 square feet in non-residential GFA shall have a minimum of 1 and 1/4 spaces per 1,000 square feet of non-residential GFA provided as shared parking.
2. Shared parking shall be designated by appropriate signage and markings (parking shall be clearly visible and accessible to the public) as determined by the Director.

G. Achieving parking requirements:

1. Parking shall be located and configured in compliance with the PARKING SETBACK LINE or other regulations for the site on which it is located, as indicated on the REGULATING PLAN and/or BUILDING FORM STANDARD.
2. Minimum parking requirements may be met either on-site or within a 1000-foot walking distance of the DEVELOPMENT.
3. Parking lot design is up to the discretion of the developer. A parking lot striping plan must be provided by the developer.
4. Parking spaces shall be at least 162 square feet in area with a minimum width of 8.5 feet.
5. CORNER LOTS less than 12,900 total square feet shall only be required to comply with the parking setback line at the front of the property and not the side street. For the purposes of this paragraph, the frontage street is the same as the street address.

H. Bicycle Parking: sites and/or projects over 10,000 square feet in land area have the following requirements: (Appendix C)

1. For COMMERCE, the developer must provide 1 employee bicycle parking rack (2-bike capacity) per 5,000 square feet of commercial floor area and 1 visitor/customer bicycle parking rack (2-bike capacity) per 10,000 square feet of commercial floor area. The employee and visitor racks may be co-located.
2. For RESIDENTIAL, the developer must provide 1 tenant bicycle parking rack (2-bike capacity) per 4 units and 1 visitor bicycle parking rack (2-bike capacity) per 10 units. Projects under 4 units shall have no requirement.
3. Bicycle parking facilities shall be visible to intended users. The bicycle parking facilities shall not encroach on any area in the public right



603.H.4.Consolidated public bicycle parking

of way intended for use by pedestrians, nor shall they encroach on any required fire egress.

4. On-street bicycle parking spaces (typically along the STREET TREE ALIGNMENT LINE) may be counted toward the minimum customer/visitor bicycle parking requirement. (For areas with constrained STREET-SPACE, an optional approach is to consolidate public bicycle parking in a single dedicated on-street parking space per BLOCK. *See figure 603.H.4.*)

- I. Permissive parking and loading facilities. Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, in accordance with all regulations herein governing the location, design, and operation of such facilities.

J. Off-Site Parking

1. Off-site parking shall be located and configured in compliance with the PARKING SETBACK LINE or other regulations for the site on which it is located, as indicated on the REGULATING PLAN and/or BUILDING FORM STANDARD.

K. Tandem Parking

1. Tandem parking is only allowed for:
 - a. Single-family residential projects; and
 - b. Residential projects and the residential component of mixed-use projects.
2. Parking spaces shall be at least 162 square feet in area with a minimum width of 8.5 feet.
3. Tandem parking spaces shall follow normal parking space size requirements.

604. ~~Reserved~~ Special Parking Standards

L. ~~Off-Site Parking~~

1. ~~Off-site parking shall be located and configured in compliance with the parking setback line or other regulations for the site on which it is located, as indicated on the regulating plan and/or building form standard.~~

M. ~~Tandem Parking~~

1. ~~Tandem parking is only allowed for:~~
 - a. ~~Single-family residential projects; and~~
 - b. ~~Residential projects and the residential component of mixed-use projects.~~
2. ~~Parking spaces shall be at least 162 square feet in area with a minimum width of 8.5 feet.~~
3. ~~Tandem parking spaces shall follow normal parking space size requirements.~~

605. Parking Lot Plantings

- A. For any surface parking lot not separated from the STREET-SPACE by a building, the space between the RBL and the PARKING SETBACK LINE shall be planted with canopy shade trees from the Tree Lists in *Part 5. Urban Space Standards*. Trees shall be planted at an average distance not to exceed 30 feet on center and aligned parallel 3 to 7 feet behind the RBL/STREET WALL.
- B. The edge of any Urban General or Urban Storefront surface parking lot adjacent to a Detached or Urban Residential lot shall:
 - 1. Be planted with canopy shade trees from the Tree Lists in *Part 5. Urban Standards*, placed at an average distance not to exceed 40 feet on center and aligned parallel 3 to 7 feet behind the COMMON LOT LINE.
 - 2. Have a STREET WALL, GARDEN WALL OR PRIVACY FENCE along the COMMON LOT LINE.

606. Loading Facilities

- A. No loading facilities are required.
- B. Where loading facilities are provided, they shall be located to the rear and/or ALLEY side of buildings.

Part 7. Building Functions

701. General Provisions

A. Permitted Uses

Permitted uses by BUILDING FORM STANDARD Frontage are shown in *Section 702* with additional regulations, as applicable. The categories in the use table are further listed and detailed in *Section 703 and 704*.

B. Use Determination

1. The Director is responsible for categorizing all uses, and applying the uses set forth in *Section 702, Use Table*. If a proposed use is not listed in a use category, but can be said to be reasonably similar in impact on the CC Form District to a listed use, the Director shall treat the proposed use as a use under that category. If a proposed use is not listed in a use category, and is fundamentally different from any other listed use, the use shall be prohibited. Also, the Director may make such decisions pursuant to *Section 104, Other Applicable Regulations, Subpart (B)*.
2. Uses Not Specifically Listed: When determining whether a proposed use is similar to a use listed in *Section 703*, the Director shall consider the following criteria:
 - a. The actual or projected characteristics of the proposed activity in relationship to the stated characteristics of each use.
 - b. Types of vehicles used and their parking and/or loading requirements.
 - c. The likely impact on surrounding properties.
 - d. The intent of the CC Form District.

C. Temporary Uses and Structures

Temporary structures such as shipping containers and other modular structures may be permitted to provide new business incubator space by housing retail and restaurant uses in the Urban General and Urban Storefront frontages for up to 24 months, with an optional annual renewal thereafter dependent on their performance and upkeep. Such temporary structures are not required to meet the Building Form Standards, but other performance standards may apply.

702. Use Table

The use table identifies the uses allowed in the respective BFS Frontages by STORY.

| USE CATEGORY | | Urban General | | Urban Storefront | | Urban Residential | | Detached | Additional Regulations |
|--------------------|------------------------------------|---------------|-------------|------------------|-------------|-------------------|-------------|-------------|-----------------------------|
| | | Ground Story | Upper Story | Ground Story | Upper Story | Ground Story | Upper Story | All Stories | |
| RESIDENTIAL | Household Living | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | Sec. 704.B.1-2; 704.H, L, 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.2, 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 8.2, Definitions | ✓ | | ✓ | | ✓ | ✓ | ✓ | Sec. 704.C. |

Key: ✓= Permitted Blank Cell = Not Permitted

Note: All nonresidential uses permitted in the Urban Residential BFS shall only be permitted where identified on the Regulating Plan.

703. Use Categories

A. Residential Uses

Residential Uses are allowed as set forth in *Part 9. Definitions: USES, RESIDENTIAL*, and shall be sub-categorized as follows per the Use Chart:

1. Household Living
2. Group Living

B. Commerce Uses

1. **Use Classification.** The COMMERCE USES permitted in each BFS have been classified by the sub-categories represented on the Use Table. As set forth therein, each sub-category's included specific uses, as each use is determined by the Planning Director as set forth in *Section 701*, are subject to the particular DEVELOPMENT and performance standards set forth in the Use Table and those additional standards set forth in *Part 7. Section 704. Development and Performance Standards*, if any.
2. **Permitted Uses.** Generally, any use categorized and sub-categorized on the Use Chart, and as thereafter amended, are permitted where a representative sub-category is shown, and subject to the Planning Director's determination as set forth in *Section 701*.
3. **RETAIL SALES AND SERVICES.** Any use permitted pursuant to (B)(2), except that:
 - a. Automobile surface parking lots are only permitted behind the PARKING SETBACK LINE
 - b. Outdoor athletic courts are only permitted as part of an adjacent fitness center
4. **Additional Uses, if not otherwise permitted.** In addition to those uses permitted pursuant to the Use Chart and (B)(2) above, the following are permitted as COMMERCE USES, subject to the Planning Director's determination as set forth in *Section 701*:
 - a. Hotels and Lodging
 - b. Auditoriums and arenas
 - c. Conference facilities and convention centers
 - d. Communication antennas mounted on existing structures
 - e. BAR, Lounge or Tavern and Live Entertainment subject to the requirements of *Section 704.F*.

C. Civic Uses

1. **Permitted Uses.** Permitted CIVIC USES are determined according to the definition set forth in *Part 9. Definitions: CIVIC USE*.
2. **Additional Uses.** The following uses are expressly allowed as set forth in *Part 9. Definitions: CIVIC USE* or expressly as set forth herein:
 - a. College, community college, university
 - b. Museum, library, auditorium, arena
 - c. Places of worship including church, mosque, synagogue, temple
 - d. Police, fire, EMS station, substation
 - e. Public or private (K-12) school

- f. Neighborhood arts center, Community Center or similar community facility (public)
- g. Farmers Market

704. Development and Performance Standards

A. General

1. All permitted uses shall meet the *Section 402. General Provisions* and those standards specified in the applicable individual BUILDING FORM STANDARD pages.
2. No CIVIC, COMMERCE OR WORKSHOP use is permitted above a RESIDENTIAL use, except for rooftop restaurants where specifically designated in the Urban Storefront Frontage.
3. No drive-through services are permitted.
4. No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building, and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
5. Communication antennas may be installed on any existing structure (such as a building, utility pole, water tower, etc., but excluding single-family residences and accessory uses) 3 STORIES in height or greater but no less than 45 feet provided that the additional antennas shall add no more than 20 feet to the height of said existing structure. Communication antennas which are architecturally compatible to the building architecture may locate on non-residential buildings less than 3 STORIES or 45 feet in height, subject to receiving a Certificate of Compliance. Associated equipment will be subject to final DEVELOPMENT plan approval. Associated equipment may be permitted on the roof so long as it is screened from view.

B. Residential

1. See the Urban General BFS for configuration requirements for GROUND STORY RESIDENTIAL uses.
2. A lobby serving an upper STORY RESIDENTIAL use is permitted on the GROUND STORY of an Urban Storefront BFS site.

C. Civic

Buildings that house CIVIC USES designated on the REGULATING PLAN are not subject to *Part 4. Building Form Standards* except for *Section 402.D. Neighborhood Manners*.

D. Office

1. Office uses are not permitted within the required minimum depth for the STOREFRONT space in an Urban Storefront site.
2. Office uses are permitted within the GROUND STORY of designated LIVE-WORK Urban Residential BFS Frontage units.

E. Overnight Lodging

1. GROUND STORY guest rooms shall meet the configuration standards for GROUND STORY residential uses as specified in the Urban General BFS.
2. A lobby serving an upper STORY overnight lodging use is permitted on the GROUND STORY of any Urban Storefront BFS site.
3. For the Urban Residential BFS Frontage, only BED AND BREAKFAST types are permitted.

F. Restaurant/Bar, Retail Sales

1. Outdoor eating areas for eating/drinking establishments shall be allowed on the public sidewalk in Urban General and/or Urban Storefront Frontages, subject to:
 - a. the provision of a minimum clear width of five (5) feet within the CLEAR WALKWAY area; and
 - b. subject to the issuance of applicable permits.
2. A restaurant or RETAIL use is permitted in the second STORY of an Urban Storefront or Urban General site provided it is an extension equal to or less than the area of the same GROUND STORY use.
3. An eating/drinking establishment is permitted on the rooftop of an Urban Storefront site.
4. The sale and consumption of alcoholic beverages shall be subject to all existing permitting provisions, as applicable.
5. Live entertainment and BAR/lounge/tavern are required to obtain a Special Use Permit if the walls of the facility are within 100 feet of a solely residential BFS within the CC Form District or a residential zoned property which is not included in the CC Form District.
6. No merchandise (including motorcycles, scooters, and automobiles) may be left within the STREET-SPACE when the business is not open.
7. Only merchandise or a commodity manufactured on premise may be sold in the GROUND STORY of a LIVE-WORK unit.

G. Auto Repair

Auto repair services may be permitted, subject to the following:

1. The property shall be at least 100 feet from any solely residential lot;
2. The use shall not include the display and rental of cargo trailers, trucks, or similar uses;
3. The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited;
4. Discarded parts resulting from any work shall be removed promptly from the premises. Automotive replacement parts and accessories shall be stored inside the main structure;
5. Upon the abandonment of the auto repair service, the use shall terminate and all structures exclusively used in the business (including underground storage tanks), except buildings, shall be removed by the

owner of the property. For the purpose of this Subsection, the term “abandonment” shall mean non-operation as an auto repair for a period of 14 months after the retail services cease.

H. Crematoriums

CREMATORIUMS are required to obtain a Special Use Permit and are subject to the following:

- a. CREMATORIUMS will be located a minimum of 400 feet from any solely residential BFS or residential zoning district and 100 feet from all other zoning districts measured from the closest point of the building to the nearest residential district.
- b. Facilities shall meet all applicable state and federal requirements for incineration equipment and shall be licensed at all times.
- c. All storage shall be inside.
- d. Incinerator stacks shall not be located on the front side of the roof of any structure facing the street.
- e. Crematoriums shall have direct vehicle access to an arterial street.

I. Adult Entertainment Uses

Adult Entertainment Uses are required to obtain a Special Use Permit and are subject to the following:

- a. No such zoning shall be granted for any proposed location which is within a one thousand foot (1000’) radius of any other Adult Entertainment Use.
- b. No Adult Entertainment Use shall be allowed to locate within a five hundred foot (500’) radius of any church, public or private school (type which offers a compulsory education curriculum) or public or private park. Nor shall any Adult Entertainment Uses be allowed to locate within five hundred feet of any solely residential BFS or residential zoning district.
- c. All distances required to be met pursuant to the terms of this section shall begin at the property line of the proposed use and are measured to the nearest property line of the public or private lot, school, park, church, residentially zoned lot, or adult entertainment use within the proscribed distance, if any.

J. Special Use for Dwelling Units with Four or More Bedrooms

In any BFS where residential use is permitted, DWELLING UNIT(s) may contain four or more BEDROOMS upon approval of a Special Use Permit as follows:

1. This provision is applicable to new construction, including demolition and reconstruction, or an addition/alteration to existing construction adding at least one BEDROOM where the resulting structure is to contain four or more BEDROOMS in a residential DWELLING UNIT(s);
2. This provision is not applicable to structures with four (4) or more BEDROOMS existing on or before the date O-1920-3 was enacted;

3. Where an existing structure already has four (4) or more BEDROOMS existing on or before the date O-1920-3 was enacted, but voluntarily seeks and is denied a Special Use Permit, denial alone will not render *Section 704 (J)* applicable unless an addition/alteration adding at least one more BEDROOM occurs per subpart (1) above.

K. Special Use Procedure

1. An Applicant seeking a Special Use Permit pursuant to *Section 704* shall follow, and is subject to, those procedures and regulations set forth in the Norman Zoning Ordinance regarding Special Uses, currently found at ~~22-434.1~~[36-560](#) and as thereafter amended, except that:
 - a. The Planning Director may also require applicant submit information in addition to that required by the Zoning Ordinance where the Planning Director feels that said additional information is necessary to address particular aspects of the subject property's character, or to assist in evaluating and determining a project's adherence to the goals of this Code; and
 - b. The Planning Commission and the City Council may also, in addition to those items identified in the Zoning Ordinance regarding Special Uses, take into account the underlying purposes and goals of the Center City Vision and this Code, in setting conditions (including occupancy conditions) recommending or approving any Special Use Permit application.
2. Any violation of a Special Use Permit constitutes a violation of the Norman City Code, as embodied in both the Norman Zoning Ordinance and this Code.

Part 8. Site Development Requirements

801. Intent

- A. This part applies to the Urban Residential BFS and Detached Frontage BFS that are newly DEVELOPED or REDEVELOPED pursuant to the CCFBC. Impervious surface controls are necessary to balance the DEVELOPMENT and stormwater needs in the CCFBC area, in addition to anticipated infrastructure improvements.

802. Site Grading Plan

- A. All site work and material storage must be completed within the property boundary. Any activities required in the public right of way or alley must be approved through application for a right of way permit through Public Works Engineering (405-366-5457) prior to commencing work. This includes the removal or construction of sidewalks, drives or alleys. Sidewalk removals must have a set plan for immediate replacement for public use.
- B. A site grading plan must be submitted containing the following information at a minimum:
1. Lot/building layout with dimensions;
 2. Existing and proposed impervious areas with dimensions and percentages;
 3. Existing and proposed ground contours and elevations;
 4. Proposed finished floor elevation of all structures using 1 foot or less contour intervals;
 5. Drainage patterns indicated by flow arrows and locations where stormwater leaves the site;
 6. Proposed drainage areas; and
 7. Location of downspouts.
 8. Explanation of how each drainage area will be collected by public stormwater infrastructure. Public stormwater infrastructure can include the public street or a stormwater inlet located within a public easement or right of way.

803. Drainage Calculations

- A. Drainage calculations prepared by an Oklahoma licenced professional engineer per Section 5000 of the Engineering Design Criteria for the site must be provided including the following information at a minimum:
1. Calculations must apply and satisfy methodology set forth in Section 5000 of the Engineering Design Criteria.
 2. Existing or historic runoff rate for each drainage area. If historic aerial photos indicate that structures or impervious areas had been demolished these areas can be used in the calculation of the historic runoff rate;

3. Permissible runoff rate based on time of concentration (t_c) for each drainage area shall be determined as follows:
 - a. In no case shall t_c of less than 5 minutes be allowed.
 - b. For sites less than or equal to 10,500 square feet a t_c of five minutes can be assumed.
 - c. Or larger areas of REDEVELOPMENT t_c shall be calculated using the Section 5000 of the Engineering Design Criteria (EDC 5000).
- B. Each lot shall be drained to an abutting STREET OR ALLEY, and downspouts shall not be directed in such a manner as to adversely impact adjacent properties.
- C. For REDEVELOPMENT where impervious cover is increasing to 65%, the difference in the runoff between existing and post-DEVELOPMENT must be accounted for through site engineering and/or engineering solutions as described in ~~EDC 5000, the City of Wichita/Sedgwick County Stormwater Manual as adopted by City Council June 28, 2011, in Ordinance Number O-1011-52 Water Quality Protection Zone (Stormwater Manual) or the current adopted City of Norman green stormwater infrastructure (GSI) manual, Sections 5000 and/or 7000 of the Engineering Design Criteria (EDC 5000 and/or 7000).~~

804. Impervious Area

- A. Impervious coverage shall not exceed 65% unless incentive requirements as discussed in Section 805 below are satisfied.

805. Impervious Coverage Incentive

- A. In order to exceed the maximum impervious coverage of 65% of each lot/parcel, all of the above conditions as well as the following conditions must be satisfied:
 1. Total impervious coverage may not, in any case, exceed of 85%.
 2. Owner/Applicant must submit a site grading plan and drainage calculations indicating no adverse affect per EDC 5000, to the side, adjacent, or down gradient properties will occur at proposed impervious area coverage.
 3. Owner/Applicant must utilize low impact development (LID), engineered solutions, Green Stormwater Infrastructure (GI), Best Management Practices or other stormwater device or devices to capture the first 1.0 inch of rainfall; and
 4. Owner/Applicant must submit an operations and maintenance manual for all engineered solutions. This manual must be filed at the Cleveland County Courthouse prior to occupancy being granted and a copy of the filed manual provided to Public Works Engineering. Deeded easements are required for any installed stormwater devices.
 5. The owner of record will inspect all engineered solutions annually for compliance with the operations and maintenance manual. The

inspection report must be submitted to the Public Works Engineering prior to June 30 each year.

- B. ~~The Stormwater Manual~~ [EDC 7000](#) may be used to determine appropriate engineering solutions to meet the requirements of this section, with example requirements as follows:
1. Overland Flow Vegetated Filtration Areas (~~Vol 2 Pages 2-8 of Wichita Manual~~ [EDC 7000](#))
 2. Maximum contributing flow path length <75 foot
 3. Downspouts located at least 10 feet away from nearest impervious surface.
- C. Disconnected impervious areas shall drain continuously overland as sheet flow through a broad grassed area or vegetated filter strip to the property line or street.
- D. Further guidance for DEVELOPMENT in the CCFBC area may also be provided, in ~~an administratively developed manual~~ [EDC 7000](#) for approved LID Techniques and Engineered Solutions to guide impervious surface areas increases to as much as 85% (~~City Manual~~). ~~The City Manual~~ [EDC 7000](#) will provide proposed designs for engineered solutions that may be utilized for a site. Possible engineering solutions include:
1. Small detention ponds
 2. Underground detention ponds (if grades allow)
 3. Pervious pavers (if soil types allow)
 4. Enhanced dry swales and grass channels
 5. Infiltration and soakage trenches
 6. Filter Strips
 7. Bioretention Areas
 8. Rain Barrels/Storage Tanks (storage tanks must be screened to adhere to the architectural and landscape standards contained in the CCFBC)
 9. Tree wells

Part 9. Definitions

The following terms are defined for the purpose of the Center City Form-Based Code.

Accessory Unit. A building or addition for living purposes (maximum footprint of 650 square feet—or the footprint of the main structure for ENGLISH BASEMENT type ACCESSORY UNITS) that is not the primary structure or principal DWELLING UNIT on a lot, that can be used as additional residential or home occupation space.

Adult Amusement or Entertainment. Amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to SEXUAL CONDUCT or SPECIFIED ANATOMICAL AREAS, including but not limited to topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment. This includes ADULT BOOKSTORES, ADULT MINI MOTION PICTURE THEATERS, ADULT MOTELS, ADULT MOTION PICTURE ARCADES, ADULT MOTION PICTURE THEATERS, MASSAGE PARLORS, and ADULT SEXUAL ENCOUNTER CENTERS.

Adult Bookstore. An establishment having as a significant portion of its stock in trade books, film, magazines and other periodicals which are distinguished or characterized by an emphasis on depicting or describing SEXUAL CONDUCT or SPECIFIED ANATOMICAL AREAS.

Adult Mini Motion Picture Theater. An enclosed building with a capacity of less than 50 persons used for presenting material distinguished or characterized by an emphasis on depicting or describing SEXUAL CONDUCT or SPECIFIED ANATOMICAL AREAS.

Adult Motel. A motel wherein material is presented, as part of the motel services, via closed circuit t.v. or otherwise, which is distinguished or characterized by an emphasis on depicting or describing SEXUAL CONDUCT or SPECIFIED ANATOMICAL AREAS.

Adult Motion Picture Arcade. Any place at which slug-operated or electronically, electrically or mechanically controlled, still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “Sexual Conduct” or “Specified Anatomical Areas.”

Adult Motion Picture Theater. An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on depicting or describing SEXUAL CONDUCT or SPECIFIED ANATOMICAL AREAS.

Alley/Alley Access Easement. The public right-of-way or easement for vehicles and pedestrians within a BLOCK that provides access to the rear or side of properties, vehicle parking (e.g., garages), utility meters, recycling containers, and garbage bins.

Attached Structures. A set of two or more structures connected by a common wall which separates climate-controlled rooms in all attached structures.

Attic Story. Habitable space situated within the structure of a pitched roof and above the uppermost STORY. They are permitted for all BFS sites and do not count against the maximum STORY height or ultimate height limits of their BFS.

Awning. A roof-like covering, projecting from a building FACADE, usually of canvas, metal, or similar material and often adjustable, placed over the sidewalk, windows, or doors to provide protection from sun and rain.

Balcony. An exterior platform attached to the upper floors of the building FAÇADE (along any STREET FRONTAGE, forward of the REQUIRED BUILDING LINE). *Note that other balcony-type structures oriented toward the lot interior are not regulated by the Center City FBC, but may be regulated by other building or fire code requirements.*

Bar/lounge/tavern. An establishment whose primary activity, measured by dollar volume of sales, involves the sale and the on-premise consumption of intoxicating or non-intoxicating beer, mixed beverages, wine, or other liquor, and where food service, if any, is a secondary activity.

Bay Window. Generally, a U-shaped enclosure extending the interior space of the building outward of the FACADE/REQUIRED BUILDING LINE (along its STREET-SPACE side).

Bed & Breakfast. A use in which the owner operator provides lodging which included meal service to transient guests for compensation. The use is subordinate to the principal use and appearance of the structure as a residence.

Bedroom. Any habitable room or space no less than 70 square feet and no greater than 144 square feet in floor area in a DWELLING UNIT which:

- a. may be segregated by any means of closure or is otherwise capable of being used for sleeping quarters; and
- b. has more than one means of egress (doorway or window); and
- c. is not a kitchen, bathroom (lavatory) or utility room;

Less and except only one room or space meeting this definition that is specifically designated and utilized as general living space (but only where a general living space is not otherwise provided in the same DWELLING UNIT).

Any room or space which meets this definition and is greater than 144 square feet in floor area shall be counted as two bedrooms. Every additional 144 square feet of floor area shall be counted as an additional bedroom.

Block. An increment of land comprised of lots, ALLEYS and tracts circumscribed and not traversed by streets (PEDESTRIAN PATHWAYS excepted). BLOCKS shall be measured at the REQUIRED BUILDING LINE (RBL).

Block Corner. The outside corner of a BLOCK at the intersection of any two STREET-SPACES (the RBLs). Inside corners, where the resulting angle formed by the block face is less than 180 degrees (concave) are not considered BLOCK CORNERS for the purposes of this Code.

Block Face. The REQUIRED BUILDING LINE frontage between BLOCK CORNERS.

Buildable Area. The area of the lot that building(s) may occupy, which includes the area of the lot behind the REQUIRED BUILDING LINE as designated by the BUILDING FORM STANDARD. The BUILDABLE AREA sets the limits of the building footprint now and in the future—any additions shall be within the specified BUILDABLE AREA.

Building Corner. The outside corner of a building where the primary building mass is within an angle less than 180 degrees. Inside corners, where the exterior space of the building mass forms an angle of more than 180 degrees are not considered BUILDING CORNERS for the purposes of this Code.

Building Form Standards (BFS). The part of this Code that establishes basic parameters regulating building form, including the envelope (in three dimensions), placement and certain permitted/required building elements, such as SHOPFRONTS, BALCONIES, and STREET WALLS. The BUILDING FORM STANDARDS establish both the boundaries within which things may be done and specific things that must be done. The applicable BUILDING FORM STANDARD(S) for a site is determined by its STREET FRONTAGE as per the REGULATING PLAN. This produces a coherent STREET-SPACE and allows the building owner greater freedom behind the FAÇADE.

Building Face. See FAÇADE.

Child Care Center. Any place, home or institution which receives more than seven children under 18 years of age, who are not of common parentage, for care apart from their parents, legal guardians or custodians, when such care is received for regular periods of time for compensation; provided, however, this definition shall not include those public and private schools organized, operated or approved under the laws of Oklahoma and regulated by the State Department of Education, those where custody of the children has been fixed by a court of competent jurisdiction, those where children are related by blood or marriage within the third degree of the custodial person, or to those public or private institutions caring for children while the parents, legal guardians or custodians are attending services, meetings, classes, or otherwise engaging in that institution's activities, to the extent such care and custody does not exceed four hours at any one time.

Civic Green or Square. A public open space designated on the REGULATING PLAN. The term *square* is generally used to describe spaces that have more paved surface area. The term *civic green* is generally used to describe a formally configured small public lawn or park that is primarily unpaved. CIVIC GREENS and SQUARES do not include active recreation structures such as ballfields and courts. See *Part 5. Urban Space Standards* for the specific controls on SQUARES and CIVIC GREENS.

Civic Use Buildings. Those buildings that house strictly CIVIC USES or historically and urbanistically significant structures designated on the REGULATING PLAN. CIVIC USE BUILDINGS and publicly-owned public art are not subject to the BUILDING FORM STANDARD prescriptions of this Code. See also USE, CIVIC.

Clear Height. Within a structure, the distance between the floor and ceiling. For entrances and other external building features, the unobstructed distance from the ground to the bottom of the lowest element above.

Clear Walkway. The portion of the sidewalk within a STREET-SPACE that shall remain clear of obstructions and allow public passage. The CLEAR WALKWAY width is specified in the *Street Type Specifications*.

Clearly Visible from the Street-Space. Many requirements of this Code apply only where the subject is “CLEARLY VISIBLE FROM THE STREET-SPACE.” (Note that the definition of STREET-SPACE includes SQUARES, CIVIC GREENS, PEDESTRIAN PATHWAYS, parks, and all public space except ALLEYS.) A building element more than 30 feet from a REQUIRED BUILDING LINE or STREET-SPACE is by definition not CLEARLY VISIBLE FROM THE STREET-SPACE (such as elements facing a COMMON LOT LINE). Also, common or party walls are by definition *not* CLEARLY VISIBLE FROM THE STREET-SPACE. This does not exempt vehicle parking lots or parking structures from any BUILDING FORM STANDARD requirements.

Commerce. See USE, COMMERCE.

Common Lot Lines. Lot lines shared by adjacent private lots.

Comparative Pedestrian Crossing. The measured distance, shown on the Street Type Specifications, that a pedestrian would be within an automobile travel lane (or turning movement) while crossing a street. A crossing time is calculated based on a pedestrian speed of 3.7 feet per second (a generally accepted urban average). This distance/time is calculated in order to provide a relative gauge of the comfort level for pedestrians crossing the street.

Complete and Discrete Facade Composition. The FACADE articulation that breaks down the apparent scale of a large building into smaller apparent pieces. The intent of such a FACADE COMPOSITION is to provide ‘human scale’ for the STREET-SPACE. The objective requirements of the COMPLETE AND DISCRETE FACADE COMPOSITION section of the BUILDING FORM STANDARDS regulate and ensure such scalar break-down.

Corner Lot. A lot in which one side lot line is adjacent to a street or STREET-SPACE. Special building placement, fencing and landscape requirements may apply.

Covered Sidewalk. A roofed or built structure attached to the FAÇADE and extending beyond the REQUIRED BUILDING LINE and over the sidewalk or SQUARE, open to the STREET-SPACE except for supporting columns, piers, or arches. (See BUILDING FORM STANDARDS for complete specifications.)

Crematorium. A facility for the incineration of corpses, human or animal, to ashes. Crematorium does not include any establishment where incinerators are used to dispose of toxic, hazardous, infectious, or narcotic materials.

Detached Frontage Building. Building form and functions resulting from/as determined by the Detached BUILDING FORM STANDARD as indicated on the REGULATING PLAN.

Developing or Development. As used in the CCFBC, these terms refer to construction or commencement of a use upon property(ies) where a NON-CONFORMING USE or NON-CONFORMING STRUCTURE did not previously exist.

Dooryard. The area within the STREET-SPACE between the FAÇADE of the building (generally the REQUIRED BUILDING LINE) and the CLEAR WALKWAY area of the sidewalk. The DOORYARD area is designated in the Street Type Specifications.

Dormers. Roofed ancillary structures with windows providing light and air to habitable space within the roof.

Dwelling Unit. A room or space or a suite of rooms or spaces used or intended to be used as an apartment and supporting general living conditions usually including a single cooking and dining space, single general living space, BEDROOM(s), bathroom(s) and utility room.

Eave Height. EAVE HEIGHT shall be measured at the bottom of the top layer of roofing material at its outermost point from the building wall.

English Basement. A habitable floor level below the first floor that is partially above and below grade, with direct STREET-SPACE access.

Façade (Building Face). The building elevation facing the STREET-SPACE OR REQUIRED BUILDING LINE. Building walls facing private interior courts, COMMON LOT LINES, ALLEYS, and COMMON DRIVES are NOT FAÇADES.

Façade Composition. The arrangement and proportion of materials and building elements (windows, doors, columns, pilasters, bays, etc.) on a given FAÇADE.

Family Day Care Home. A structure used as a residence in which the resident receives seven or fewer children under the age of 18 years (including the caregiver's own resident preschool children under the age of five) for part-time care apart from their parents, legal guardians or custodians, when such care is received for regular periods of time for compensation.

Fenestration. Openings in the building wall, including windows and doors, allowing light and views between interior (private realm) and exterior (public realm).

First Floor. See GROUND STORY.

Front Porch. The ground floor platform attached to the FAÇADE OR REQUIRED BUILDING LINE side of the main building.

Front Yard. An open (unpaved) space required by certain BUILDING FORM STANDARDS extending across the entire width of the lot between the FAÇADE and the CLEAR WALKWAY. This area is contiguous with the STREET-SPACE, and includes any FRONT PORCH.

Front Yard Fence. The wood (picket), wrought iron fence, or masonry wall located along and surrounding the FRONT YARD. (For placement, height and gate specifications, see the BUILDING FORM STANDARDS.)

Garden Wall. A masonry wall defining a property line or delineating a private area. (For placement, height and gate specifications, see the BUILDING FORM STANDARDS.) A GARDEN WALL may serve as a FRONT YARD FENCE.

General Living Space. The single room in a DWELLING UNIT designated or utilized for common social activities of the occupants.

Ground Story. The first habitable level of a building at or above grade. The next STORY above the GROUND STORY is the second floor or STORY.

Habitable Space. A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls or utility spaces are not considered habitable spaces.

Legacy Zoning District. A parcel's previous base zoning district existing immediately prior to the adoption of the CCFBC in July of 2017.

Liner Shops. Small shops (which can be as shallow as 15 to 20 feet) along the REQUIRED BUILDING LINE of a larger structure, with doors opening directly to the sidewalk. These small retail spaces break down the scale of large building FACADES. (Liner shops may or may not connect to the larger interior space.)

Live-Work. Where designated on the REGULATING PLAN, a townhouse is permitted to contain COMMERCE uses where it has its GROUND STORY configured as a SHOPFRONT.

Massage Parlor. Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with SEXUAL CONDUCT or where any person providing such treatment, manipulation or service related thereto exposes SPECIFIED ANATOMICAL AREAS.

Mezzanine. An intermediate level between the GROUND STORY and the second STORY. It may be in the form of a platform, podium, or wide balcony. Its uses shall be limited to a continuation of the GROUND STORY uses.

Non-Conforming Structure. Any structure lawfully in compliance with its LEGACY ZONING DISTRICT at the time of CCFBC's adoption in July of 2017.

Non-Conforming Use. Any lawful use of land, building or structure existing on a subject property(ies) at the time of adoption of the CCFBC in July of 2017, which does not conform with the applicable use regulations of the CCFBC.

Open Area. See PRIVATE OPEN AREA.

Parapet Height. Where used to limit building height in this Code, PARAPET HEIGHT shall be measured at the top of the parapet, including any coping. An additional three feet in height by 12 feet in width or 15 percent of the FAÇADE, whichever is greater, is permitted for a section of the parapet to emphasize the building's primary street entry or a BLOCK CORNER.

Parking Setback Line. A line or plane indicated on the REGULATING PLAN which extends vertically up from the GROUND STORY floor level (unless otherwise noted on the REGULATING PLAN or BFS) and is generally parallel to the REQUIRED BUILDING LINE. The PARKING SETBACK LINE is a permissive minimum distance from the REQUIRED BUILDING LINE and parking may be placed anywhere within the lot behind this line, except where otherwise specified in this Code.

Pedestrian Pathway. An interconnecting paved way providing pedestrian and bicycle passage through BLOCKS running from a STREET-SPACE to another STREET-SPACE, an ALLEY or an interior block parking area. The area within a PEDESTRIAN PATHWAY shall be a public access easement or public right-of-way.

Plaza. See SQUARE.

Privacy Fence. An opaque fence made of wood or masonry (not chain link or any other type of rolled fence) along ALLEYS, COMMON DRIVES, COMMON LOT LINES and PEDESTRIAN PATHWAYS. See the BUILDING FORM STANDARDS for any height and placement specifications.

Private Open Area. An occupiable area within the BUILDABLE AREA and generally behind the PARKING SETBACK LINE, accessible only to occupants of the particular building or site, and (primarily) open to the sky. Additional specifications for the PRIVATE OPEN AREA may be included in each BUILDING FORM STANDARD. Private open area shall not be built-upon, used to satisfy minimum stormwater Best Management Practice area (if thereby excluding active tenant use), parked or driven upon (except for emergency access).

Redeveloping or Redevelopment. As used in the CCFBC, these terms refer to circumstances where alterations to a NON-CONFORMING USE or NON-CONFORMING STRUCTURE (pursuant to *Part 2. Section 208 Non-Conforming Structures and Uses*) result in destruction of non-conforming status and complete applicability of the CCFBC to a subject property(ies).

Regulating Plan. The implementing site plan for the DEVELOPMENT of the Center City Form District under this Code. REGULATING PLANS allocate the BUILDING FORM STANDARDS and street types and provide specific information for the disposition of each building site. The REGULATING PLAN also shows how each site relates to adjacent STREET-SPACES, the overall district, and the surrounding neighborhoods.

Required Building Line (RBL). A line or plane indicated on the REGULATING PLAN, defining the STREET FRONTAGE which extends vertically and generally parallel to the street, at which the building FAÇADE shall be placed. This is a requirement, not a permissive minimum. The minimum length and height of FAÇADE that is required at the RBL is shown on the appropriate BUILDING FORM STANDARD.

Sexual Conduct. The fondling or other touching of human genitals, pubic region, buttocks, or female breasts; ultimate sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, sodomy; masturbation, and; excretory functions as part of or in connection with any of the activities set forth above.

Sexual Encounter Center. Any building or structure which contains, or is used for commercial entertainment where the patron directly or indirectly is charged a fee to engage in personal contact with or to allow personal contact by, employees, devices or equipment or by personnel provided by the establishment which appeals to the prurient interest of the patron, to include, but not to be limited to bath houses, massage parlors, and related or similar activities.

Short Term Rental. The rental of an entire dwelling, 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. An annual Short-Term Rental license may be issued to eligible Applicants by the City Clerk. A Short-Term Rental license is a privilege, not a right, and may be denied, suspended, revoked or not renewed.

Sidewing. The portion of a building extending along a COMMON LOT LINE toward the ALLEY or rear of the lot.

Specified Anatomical Areas. Human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Square. See CIVIC GREEN.

Stoop. An entry platform on the FAÇADE of a building. (See the BUILDING FORM STANDARDS for specifications.)

Shopfront (Storefront). That portion of the GROUND STORY FAÇADE FENESTRATION intended for marketing or merchandising of COMMERCE uses and allowing visibility between the sidewalk and the interior space.

Story (Story Height). That space within a building and above grade that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above. STORY HEIGHT parameters are as specified by the appropriate BUILDING FORM STANDARD.

Street Frontage. That portion of the lot or building that is coincident with the REQUIRED BUILDING LINE as required by this Code.

Streetlight. A luminaire installed on both sides of the STREET-SPACE, along the STREET TREE ALIGNMENT LINE or median centerline, unless otherwise designated in this code, with the design criteria in the CC Form District giving equal weight to the lighting of the pedestrian areas and the automobile areas.

Street-Space. All space between fronting REQUIRED BUILDING LINES (streets, SQUARES, PLAZAS, PEDESTRIAN PATHWAYS, CIVIC GREENS, sidewalks, parks)—including any transit service operator passenger platform—but not garage entries or ALLEYS.

Street Tree. A tree required per this code and listed in the Street Tree List located in *Part 5. Urban Space Standards* that is of a proven hardy and drought tolerant species and large enough to form a canopy with sufficient clear trunk to allow traffic to pass under unimpeded.

Street Tree Alignment Line. A line along which STREET TREES shall be planted and STREETLIGHTS and other such infrastructure are to be placed. It is generally parallel with the STREET-SPACE.

Street Wall. A masonry wall set on the REQUIRED BUILDING LINE which assists in the definition of the STREET-SPACE in the absence of a building. See the BUILDING FORM STANDARDS for height and gate specifications.

Tree Lawn (Tree Trench). A continuous strip of soil area—typically covered with grass, other vegetation, bridging pavement, or sometimes porous pavers—located between the back of curb and the CLEAR WALKWAY AREA, and used for planting STREET TREES and configured to foster healthy STREET TREE root systems. TREE LAWN dimensions are specified in the Street Type Specifications.

Urban General Frontage Building. Building form and functions resulting from/as determined by the Urban General BUILDING FORM STANDARD as indicated on the REGULATING PLAN.

Urban Residential Frontage Building. Building form and functions resulting from/ as determined by the Urban Residential BUILDING FORM STANDARD as indicated on the REGULATING PLAN.

Urban Storefront Frontage Building. Building form and functions resulting from/ as determined by the Urban Storefront BUILDING FORM STANDARD as indicated on the REGULATING PLAN.

Use, Art Studio. A place of work for an artist, artisan, or craftsperson, including persons engaged in the application, teaching, or performance of the fine arts. “Artist” shall include, but is not limited to, painters, sculptors, and photographers.

Use, Artisanal Manufacturing. An establishment or business where an artist, artisan, or craftsperson makes or fabricates crafts or products by hand or with minimal automation and may include direct sales to consumers.

Use, Auto Repair. An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment, including paint, body and fender, major engine and engine part overhaul, brake, muffler, upholstery work, tire repair and change, lubrication, tune ups and transmission work, provided such work is conducted within a completely enclosed building.

Use, Civic. For the purpose of the Center City Form District, CIVIC USES include: meeting halls; libraries; schools; police and fire stations; post offices (retail operations only, no primary distribution facilities); places of worship; museums; cultural, visual and performing art centers; transit centers; government functions open for the public; and, other similar community uses. Public ownership alone does not constitute CIVIC USE.

Use, Commerce. For the purpose of the Center City Form District, COMMERCE USES shall be considered to generally encompass all of the Commerce categories and sub-categories represented on the CCFBC Use Table, and as thereafter amended, and as determined by the Planning Director pursuant to Sections 104 and 701 herein, except for any differences provided in Section 703 or Section 704 of this CCFBC; the additional uses permitted in sub-section 703(B)(4); and all of the CIVIC USES defined above, except transit centers.

Use, Office. For the purpose of the Center City Form District, OFFICES are occupations in the tertiary sector of the economy requiring special training in the arts or sciences. Some OFFICES require holding professional licenses such as architects, auditors, engineers, doctors and lawyers. Other OFFICES involve providing specialist business support to businesses of all sizes and in all sectors; this can include tax advice, supporting a company with accounting, or providing management advice.

Use, Overnight Lodging. Accommodation provided by an establishment (such as a hotel, bed and breakfast, or SHORT TERM RENTAL) where guests can sleep or spend the night.

Use, Passenger Terminal. A structure which services passengers boarding or leaving transportation vessels other than personal automobiles.

Use, Recreation/Entertainment. Recreation, amusement, or entertainment services being provided in an indoor or outdoor facility for the purpose of some leisure activity, including, but not limited to, arcades, computer arcades, escape rooms, gyms, laser tag, miniature golf, movie theaters, playgrounds or playhouses, pools, skating rinks, sports or athletic facilities, virtual reality rooms, and similar uses.

Use, Research and Development. An establishment or complex of structures located in a building whose dimensions are intended to foster physical, chemical and biological research and/or experimentation involving but not limited to controlled simulation of factors, development of prototypes, chemicals, commodities, pharmaceuticals, information technology, electronics and instrumentation for academic and industrial purposes.

Use, Residential. For the purpose of the Center City Form District, RESIDENTIAL USES shall be considered to encompass all of the Residential categories and sub-categories represented on the CCFBC Use Chart, and as thereafter amended, and as determined by the Planning Director pursuant to Sections 104 and 701 herein.

Use, Retail. For the purpose of the Center City Form District, RETAIL USES include the following:

Retail Service. Establishments providing services, as opposed to products, to the general public, including restaurants, hotels and motels, finance, real estate and insurance, travel agencies, health and educational services, and galleries; as well as personal services as defined in the City of Norman Zoning Ordinance.

Retail Sales. Establishments wherein the primary use is the sale of merchandise for use or consumption by the immediate purchaser.

Use, Self-Storage. A retail service establishment providing off site storage space to residents and businesses, offering convenience storage and limited warehousing services primarily for personal effects and household goods within enclosed structures having individual access, but excluding use as workshops, hobby shops, manufacturing or commercial activity.

Use, Vehicle Sales. Establishments where the primary activity taking place is the buying and selling of new or used vehicles.

Appendix A

A. Process

Upon adoption, the Center City Form Based Code (CCFBC) will be the Zoning District for all parcels within the identified Center City area except for the commercial area of Campus Corner as marked on the Center City Visioning Map and REGULATING PLAN, found in *Part 3. Section 302*. The exclusion of the commercial area of Campus Corner may be reevaluated by City Council, with input from Campus Corner property owners and stakeholders, at such time that an adequately-sized parking structure that is open to the public is completed or an appropriate funding mechanism is approved. A property owner seeking to develop or redevelop a parcel within the CCFBC District can comply with CCFBC regulations or apply for rezoning to Center City Planned Unit Development (CCPUD).

1. A property owner and/or applicant must attend a Pre-Application Conference (as defined in *Part 2. Section 204.A.*) prior to choosing to comply with CCFBC, or to apply for voluntary participation in any Pattern Zoning program or overlay adopted for applicable CC Form District properties, or apply for rezoning to CCPUD.
2. If the CCFBC is chosen, the administrative process established in *Part 2. Administration* of the CCFBC will be used for site plan review, demolition permit and preliminary plat through the Development Review Committee after staff review. Final Plat will require City Council approval. Any parcel formerly designated as C-3 immediately prior to the adoption of the CCFBC shall not be subject to any maximum building height or parking restrictions contained within the CCFBC. Properties ~~zoned zones~~ C-2 and located on Gray Street extending from Lahoma Aveune on the West to the railroad tracks on the East shall also be exempt from ~~either~~ the minimum parking requirements of the CCFBC ~~or the C-2 parking requirements~~ when redeveloped.
3. If CCPUD is chosen, the property owner and/or DEVELOPMENT applicant is required to comply with the rezoning process outlined within *Chapter 2236, Section 571 442.1* of the City of Norman Code of Ordinances. The primary goal of the new CCPUD category is to provide flexibility (beyond that provided in *Section 206. Administrative Adjustments*) when a property owner seeks to comply with the intent and goals of the FBC but seeks relief regarding specific requirements of the FBC. Examples of DEVELOPMENT seeking relief might be, but are not limited to, construction of affordable housing, or housing that encourages aging in place, or other emerging trends in housing.
4. If voluntary participation in Pattern Zoning is chosen, the applicant must follow any procedures established therein, in conjunction with CC Form District requirements, as applicable.

B. Incentives

The following incentives will be provided to encourage property owners and/or applicants to use the CCFBC.

1. Administrative approval of DEVELOPMENTS conforming to the Center City Form Based Code.
2. Incentives identified by City Council under a properly adopted Project Plan for Tax Increment Financing.
3. Pattern Zoning program or overlay incentives that may be adopted for applicable CC Form District properties.

Appendix B

SEC. 520 CENTER CITY PLANNED UNIT DEVELOPMENT

A. Statement of Purpose: It is the intent of this section to provide an alternative zoning district for the Center City Area as defined in the Center City Form Based Code (CCFBC). This Center City Planned Unit Development District (CCPUD) is specifically catering to the Center City Area because of the size of lots, the lack of vacant land and other distinguishing characteristics in this area that make the use of the existing PUD regulations not feasible. The CCPUD encourages DEVELOPMENTS that create the character of DEVELOPMENT envisioned in the CCFBC.

Specifically, the purposes of this section are to:

1. Provide an alternative zoning district to the CCFBC where a property owner proposes a DEVELOPMENT that does not meet the strict regulations required in the CCFBC.
2. Provide open space/street space that is compatible with the concepts of the CCFBC.
3. Provide comprehensive and innovative planning and design for a DEVELOPMENT which is consistent and compatible with surrounding DEVELOPMENTS.
4. Provide more efficient and economic use of land resulting in an urban/pedestrian environment.
5. Provide complete and useful information which will enable the Planning Commission and City Council to make more informed decisions on land use.
6. Encourage DEVELOPMENTS that achieve community goals, such as, but not limited to, aging in place, or affordable housing, or other emerging trends in housing, that may not be able to meet all the required elements of the Center City Form Based Code.

B. Uses Permitted. The CCPUD regulations are designed to provide for any mix of uses. There are no specifically prescribed uses which are permitted within the boundaries of the Center City Area in order to increase creativity and flexibility in the Center City Area when DEVELOPMENT according to the CCFBC is not feasible. The owner/applicant will be responsible for the preparation of a list of permitted uses within the specific CCPUD. The development of the list shall take into account the nature and purpose of the CCPUD area, and such uses and locations shall be appropriate in order to protect and be in harmony with surrounding DEVELOPMENT.

C. Standards of Development.

1. Ownership control. Applicants submitting an application for approval of a CCPUD must be the owner of the property. The approved CCPUD shall be binding on all subsequent owners of the land until revised as authorized in this section.
2. Minimum District Area. Any legally existing lot in the Center City Area.
3. Parking and off street loading. All uses established within a Planned Unit Development shall comply with the off street parking and loading requirements as established in *Part 6. Parking and Loading Standards* of the CCFBC. Properties currently zoned C-3 in the Center City area as of the date of approval by City council of the CCFBC shall have no parking requirements.
4. Perimeter requirements. In order to assure compatibility with surrounding DEVELOPMENT, the developer shall submit specific information as to the setbacks, building height, coverage factors and other elements necessary for all perimeter lots that are adjacent to the boundary of the CCPUD District, or adjacent to any boundary or perimeter street right of way. While no specific setback requirements are herein established, the Planning Commission and City Council shall consider the nature, extent and character of the adjacent DEVELOPMENT and shall take into consideration the types of area regulations applicable to those adjacent properties.
5. Open Space requirements. Open space is an essential ingredient in a Planned Unit Development and is one of the most basic and important design elements. A minimum amount of open space must be provided consistent with the requirements of the CCFBC. A property owners' association shall be required if arrangements for improving, operating and maintaining all such common open space areas and other communally-owned facilities have not been completed in a manner satisfactory to the City of Norman.
6. Property Owners' Associations. The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction and maintenance of common elements. All legal instruments setting forth a plan or manner of permanent care and maintenance of such common elements shall be approved by the City Attorney as to legal form and effect, and by City Council as to the suitability of the proposed use of the common elements.
7. Building Height. The height of structures on the west side of University Boulevard extending from Boyd Street to the alley north of Apache Street shall be a maximum of three stories. Properties currently zoned C-3 in the Center City area as of the date of approval by City Council of the CCFBC shall have no height requirements.
8. Central Core Area of Norman sprinkling requirements. Within the Center City Form-Based Code Area of Norman exhibited in Norman Code [36-540 22-429.7](#), and as that area is contained within the Central Core Area of Norman (see map exhibit to Norman Code [36-550 22-431.7](#)) and two-

family(duplex) structure with four or more BEDROOMS per unit is required to be sprinkled per the requirement in Section P2904 of the International Residential Code (IRC) or NFPA 13D, or as these documents are amended.

9. A theater, including one that sells alcoholic beverages in compliance with state law, may be incorporated into appropriate CCPUD's.

D. Application Procedures. The Planned Unit Development application procedure shall consist of three phases.

1. Pre-application conference. Before submitting an application for any CCPUD, the landowner, or his authorized agent, shall schedule a Pre-application conference with City Staff. The intent of this conference is to provide guidance to the applicant prior to submitting a zoning application and to identify the information necessary for filing the application. The pre-application information shall include the following:
 - a. Boundaries of the property involved;
 - b. Existing zoning of the area and zoning of adjoining properties;
 - c. Existing roadways, easements and waterways;
 - d. A site development plan at a level of detail sufficient to indicate to the City the nature and scope of the project as to its magnitude in terms of approximate number and types of DWELLING UNITS, location and extent of non residential elements, proposed locations of open space areas, and major circulation facilities; and
 - e. Proposed treatment of the perimeter of the CCPUD.
2. Zoning application. The application for the CCPUD shall consist of a simultaneous submission of a rezoning application, site development plan and subdivision plat, if applicable.

The Rezoning Application/Site Development Plan and subdivision plat, if applicable, shall include at least the following information:

- a. Proposed title of the project and name of any engineer, architect, land planner, landscape architect, or company responsible for various elements of the plan.
- b. Site development plan of the property indicating the location of different land uses, dwellings by types and numbers, and areas proposed for open space and recreational use.
- c. All setback lines for all properties shall be shown.
- d. If the project is to be developed in more than one phase, the boundaries of each proposed phase shall be clearly indicated on the development plan.
- e. Calculations shall be submitted of the total number of gross acres in the project, and the acres and percentages thereof proposed to be devoted to the different dwelling types, commercial or other non residential uses, as well as streets, parks, schools, and other reservations.

- f. Tabulation of the total number of DWELLING UNITS by various types in the project and if the project is to be developed in phases, by each phase within the project.

The CCPUD zoning application will be reviewed by Staff and their recommendation shall be forwarded to the Planning Commission for a public hearing and the public hearing shall be legally advertised as specified in Section [36-571](#) ~~422.1~~ of the Zoning Ordinance.

At the public hearing before the Planning Commission, the applicant and interested citizens will have the opportunity to discuss the merits of the CCPUD proposal. The Planning Commission will assess the proposal in light of ordinance guidelines and will take action after weighing the recommendations of the Staff, the applicant's presentation, and the community's response. The Commission shall recommend approval; recommend approval conditioned on specified modifications; or recommend disapproval of the CCPUD application.

After the CCPUD application is reviewed by the Planning Commission, it will be forwarded to the City Council for their action. The City Council may grant; deny; defer for requested changes or information; or return the application to the Planning Commission for further study. The Council may direct the Planning Commission to reconsider specific aspects of the CCPUD application.

If the City Council approves the CCPUD application, it shall be in the form of an Ordinance which shall specify all conditions and schedules necessary to insure that the proposed CCPUD is accomplished. The applicant is permitted to construct the CCPUD in more than one phase or stage of construction. In such cases, the applicant shall clearly indicate on the Site Development Plan map the boundaries of each proposed phase and any common elements to be constructed with each phase.

E. Submission requirements. As part of the application process for a CCPUD the applicant shall be required to submit the following documents and information:

1. CCPUD zoning district narrative.
 - a. A statement describing the general character of the total DEVELOPMENT and including the rationale behind the assumptions and choices represented in the application.
 - b. Quantitative data including the following information:
 - (i) Parcel size;
 - (ii) Types and numbers of permitted uses and the square footage areas of each category of use;
 - (iii) Proposed building coverage;
 - (iv) Total square footage of common open space by type.
 - c. A Site Development Plan meeting the following requirements:
 - (i) Submitted on one or more sheets not to exceed 24 inches by 36 inches, including a small scale vicinity map;

- (ii) To scale (scale indicated) and directionally oriented, such scale to be as large as possible in order to indicate as much detail as possible;
 - (iii) Lot lines;
 - (iv) Existing and proposed circulation system of all streets, including off street parking areas, service areas, loading areas, and major points of access to public rights of way (ingress and egress);
 - (v) Existing and proposed pedestrian circulation systems;
 - (vi) Proposed treatment of the perimeter of the property, including materials and techniques used such as screens, fences and walls, as well as description of uses, setbacks, and the relationship to surrounding uses;
 - (vii) General schematic landscape plan of the treatment of the area used for private and common open spaces;
 - (viii) Location and size of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi public use;
 - (ix) Location, dimensions, nature of all existing and proposed easements and public improvements;
 - (x) Location of structures;
 - (xi) Indication of existing natural features of the property, including water courses, floodplains, unique natural features, and vegetation;
 - (xii) A legal description of the total site proposed for DEVELOPMENT;
 - (xiii) A DEVELOPMENT schedule indicating the approximate date when construction of the CCPUD, or phases of the CCPUD, can be expected to begin and be completed;
 - (xiv) A statement of the applicant's intentions with regard to the future selling or leasing of all, or portions, of the CCPUD, including land areas and DWELLING UNITS; and
 - (xv) A Preliminary Plat, if applicable, submitted in accordance with Chapter ~~30~~ 19.
2. Final Plat. If a subdivision plat is required, the following additional information shall be provided with the Final Plat:
- a. A description of the maintenance provisions of the DEVELOPMENT;
 - b. A final subdivision plat;
 - c. A survey of the property;
 - d. Any changes to the approved DEVELOPMENT schedule, including:
 - e. Starting date;
 - f. Dates when various phases are projected to be completed.
 - g. An updated site development plan;

- h. All legal instruments or covenants in a recordable form. Any such covenants shall stipulate that items of interest to the City of Norman, such as the DEVELOPMENT schedule, permitted uses, and disposition of any required open space, may not be altered by the developer or the property owners association without the specific approval of the City.
- F. Administration. Applications for any building permit within an approved CCPUD, which vary from the standards and conditions set forth in the approved CCPUD, may be approved by the Planning Director within the following guidelines:
 - 1. Does not increase the proposed floor area for non residential use by more than five percent (5%). Does not increase total number of DWELLING UNITS by more than five percent (5%) within a given phase.
 - 2. Does not increase total building coverage by more than five percent (5%).
 - 3. Does not increase building height by more than five percent (5%).
 - 4. Provides for a decrease of up to ten percent (10%) in land coverage, height, or number of DWELLING UNITS.

Appendix C

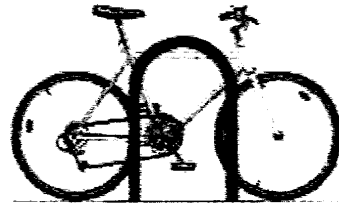
Bicycle Parking Design Guidelines

1. THE RACK ELEMENT

Definition: the rack element is the part of the bike rack that supports one bicycle.

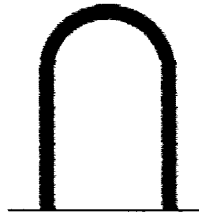
The rack element should:

- Support the bicycle upright by its frame in two places
- Prevent the wheel of the bicycle from tipping over
- Enable the frame and one or both wheels to be secured
- Support bicycles without a diamond-shaped frame with a horizontal top tube (e.g. a mixte frame)
- Allow front-in parking: a U-lock should be able to lock the front wheel and the down tube of an upright bicycle
- Allow back-in parking: a U-lock should be able to lock the rear wheel and seat tube of the bicycle



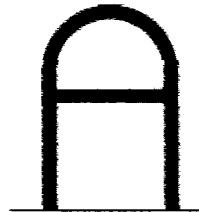
Comb, toast, school-yard, and other wheel-bending racks that provide no support for the bicycle frame are NOT recommended.

The rack element should resist being cut or detached using common hand tools, especially those that can be concealed in a backpack. Such tools include bolt cutters, pipe cutters, wrenches, and pry bars.



INVERTED "U"

One rack element supports two bikes.



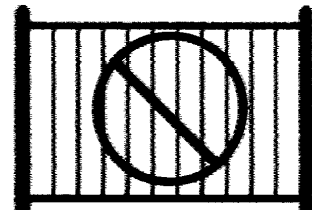
"A"

One rack element supports two bikes.



POST AND LOOP

One rack element supports two bikes.

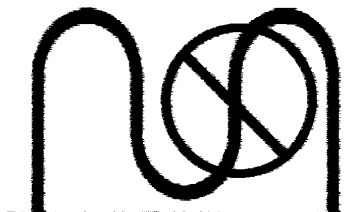


COMB

One rack element is a vertical segment of the rack.

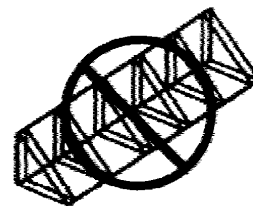


Not recommended



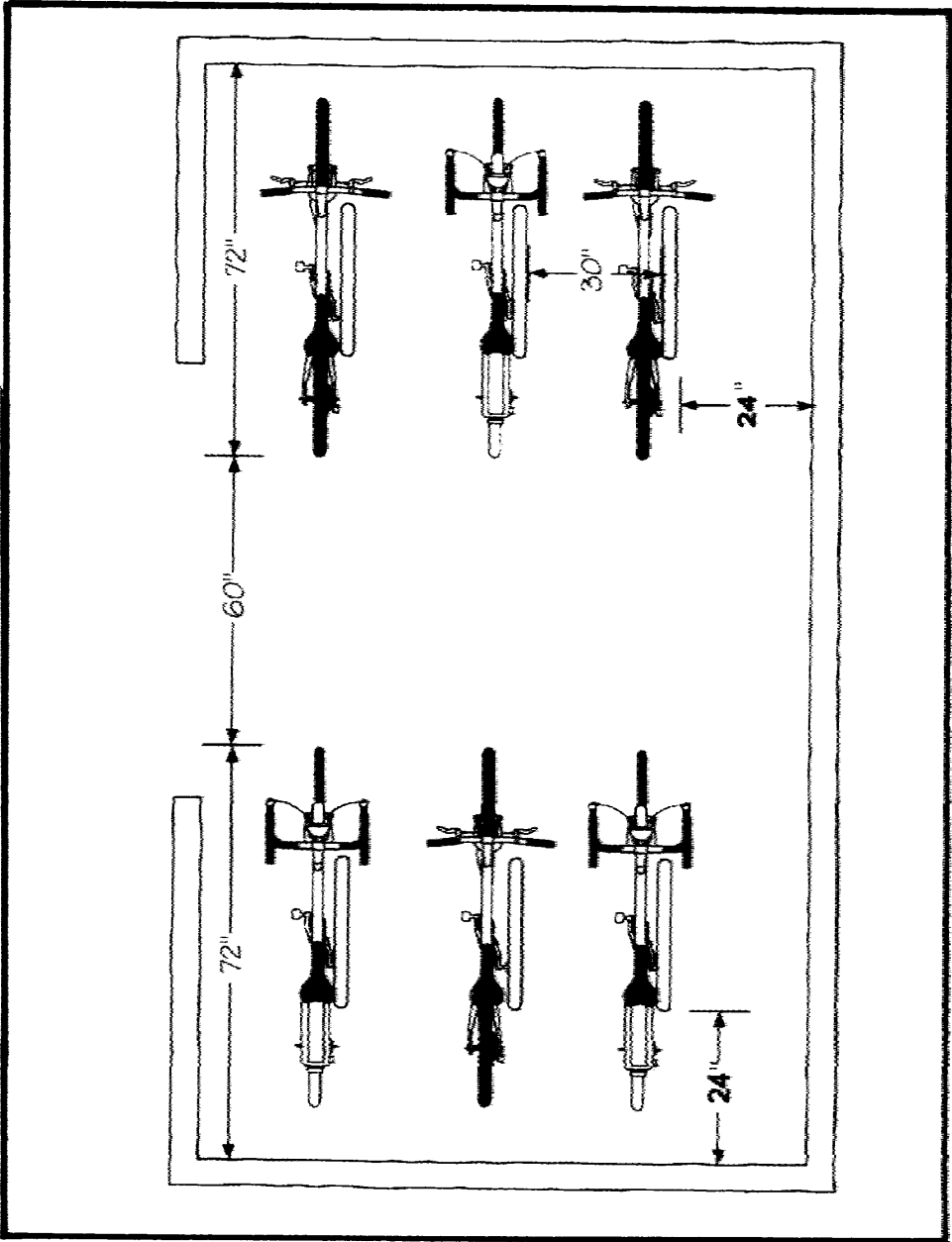
WAVE

One rack element is a vertical segment of the rack. (see additional discussion on page 3)



TOAST

One rack element holds one wheel of a bike.





CENTER CITY FORM-BASED CODE

NORMAN, OKLAHOMA

DRAFT AUGUST 2023

How to Use this Code

Why are some words shown in SMALL CAPITAL LETTERS?

The Norman Center City Form-Based Code (CCFBC) includes terms with special meanings and their definitions are included in *Part 9. Definitions*. Defined terms are shown throughout the document in SMALL CAPITAL LETTERS.

I want to know what is allowed for my property:

1. Look at the adopted REGULATING PLAN in *Part 3. The Regulating Plan* and determine if property in question is located within the Center City Form District. (CC Form District) If not, this Code is not applicable.
2. Find the specific property in question on the adopted REGULATING PLAN. Note the REQUIRED BUILDING LINE and the PARKING SETBACK LINE. Note the color of the fronting STREET-SPACE—this determines the applicable BUILDING FORM STANDARD (see the key located on the REGULATING PLAN).
3. Find the applicable BUILDING FORM STANDARD in *Part 4. Building Form Standards*. (Note the *General Provisions* in *Section 402* that apply to all properties in the district.) The BUILDING FORM STANDARD will tell you the parameters for DEVELOPMENT on the site in terms of height, siting, elements, and use.
4. Additional regulations regarding streets and other public spaces surrounding the property, parking requirements, and permitted building functions are found in the following sections: *Part 5. Urban Space Standards*; *Part 6. Parking and Loading Standards*; and *Part 7. Building Functions*.
5. See *Part 2. Administration, Application Process & Appeals* for information on the DEVELOPMENT review process.

NOTE: Where a NON-CONFORMING STRUCTURE OF NON-CONFORMING USE may continue in compliance with *Part 2. Section 208. Non-Conforming Structures and Uses*, the allowances of a LEGACY ZONING DISTRICT may also control what is allowed for a particular property.

I want to modify an existing building:

1. If this code is applicable to your property, determine whether your intended changes would trigger a level of code compliance by looking at the *Part 2. Section 208. Non-Conforming Structures and Uses*.
2. If yes, follow the process delineated therein.

I want to establish a new use in an existing building:

1. Find the property on the REGULATING PLAN and determine the applicable BUILDING FORM STANDARD.
2. Determine whether the use is allowed by looking at *Part 7. Building Functions*. If the use is allowed within the applicable CCFBC BFS *Part 2. Section 208. Non-Conforming Structures and Uses* to determine whether the use may be carried on within a NON-CONFORMING STRUCTURE. If Section 208 does not permit the use to be carried on within a NON-CONFORMING STRUCTURE, refer to the specific performance standards set forth in the applicable BFS.

I want to change the Regulating Plan regarding my property:

See *Part 2. Section 207. Amendments to the Center City Form-Based Code*.

I want to subdivide my property:

1. Property can only be subdivided in accordance with the procedures of the Norman Municipal Code.
2. Any such subdivision of a property within the *Center City Form District* shall also meet the standards of this Code.

Contents

| | |
|------------------------------------------------------------------------|-----------|
| PART 1. GENERAL PROVISIONS | 1 |
| 101. Title | 1 |
| 102. Applicability | 1 |
| 103. Purposes | 1 |
| 104. Other Applicable Regulations | 2 |
| 105. Minimum Requirements | 2 |
| 106. Severability | 2 |
| 107. Components of the Code | 2 |
| PART 2. ADMINISTRATION, APPLICATION PROCESS & APPEALS | 4 |
| 201. Applicability | 4 |
| 202. Director | 4 |
| 203. FBC Development Review Team | 4 |
| 204. Certificate of Compliance | 5 |
| 205. Effect of Certificate of Compliance Issuance | 6 |
| 206. Administrative Adjustments | 7 |
| 207. Amendments to the Center City FBC | 9 |
| 208. Non-Conforming Structures and Uses | 9 |
| PART 3. THE REGULATING PLAN | 11 |
| 301. Rules for Regulating Plans | 11 |
| 302. Illustrative Form District Maps | 15 |
| 302.A. Center City Visioning Map | 15 |
| 302.B. Center City Regulating Plan Map | 16 |
| 302.C. Center City Maximum Building Height Map | 17 |
| 302.D. Center City Unit Minimum Map | 18 |
| PART 4. BUILDING FORM STANDARDS | 19 |
| 401. Intent | 19 |
| 402. General Provisions | 19 |
| 403. Urban General and Urban Residential Frontages | 28 |
| 404. Urban Storefront Frontage | 32 |
| 405. Detached Frontage | 33 |
| PART 5. URBAN SPACE STANDARDS | 36 |
| 501. Applicability | 36 |
| 502. Intent | 36 |
| 503. Street Type Specifications | 37 |
| 504. Streetscape Standards | 44 |
| 505. Plazas, Squares and Civic Greens | 46 |
| 506. Tree Lists | 47 |
| PART 6. PARKING AND LOADING STANDARDS | 51 |
| 601. Intent | 51 |
| 602. Other Applicable Regulations | 51 |
| 603. Minimum Parking Requirements | 51 |
| 604. Reserved | 53 |
| 605. Parking Lot Plantings | 53 |
| 606. Loading Facilities | 54 |

PART 7. BUILDING FUNCTIONS.....55

- 701. General Provisions 55
- 702. Use Table 56
- 703. Use Categories 57
- 704. Development and Performance Standards 58

PART 8. SITE DEVELOPMENT REQUIREMENTS62

- 801. Intent 62
- 802. Site Grading Plan 62
- 803. Drainage Calculations 62
- 804. Impervious Area 63
- 805. Impervious Coverage Incentive 63

PART 9. DEFINITIONS.....65

APPENDIX A.....75

- A. Process 75
- B. Incentives 76

APPENDIX B77

- Sec. 520 Center City Planned Unit Development 77

APPENDIX C.....83

- Bicycle Parking Design Guidelines 83

Part 1. General Provisions

101. Title

This Code is known as the Norman Center City Form-Based Code (CCFBC).

102. Applicability

- A. The CCFBC is in effect for that part of the City of Norman, Oklahoma, designated on the REGULATING PLAN in *Part 3. The Regulating Plan* as the Center City Form District (CC Form District), and as set forth in *Part 2. Section 208. Non-conforming Structures and Uses*.
- B. The area generally known as Campus Corner that is geographically located within the larger CC Form District boundaries, as designated on the REGULATING PLAN in *Part 3*, is excluded from the CC Form District, but may be added to the district in the future, by determination of the City Council.
- C. The process for DEVELOPING or REDEVELOPING within the CC Form District is delineated in *Part 2. Administration* and *Appendix A* of this Code.

103. Purposes

- A. The goal of *Norman Center City Vision Project and Plan* was to reset the conversation and provide guidance for future DEVELOPMENT and REDEVELOPMENT in Center City.¹ This CCFBC is intended to implement the purpose and goals of that Plan by providing strong implementation tools for the Center City area.
- B. The CCFBC shall be applied to new, infill DEVELOPMENT, and REDEVELOPMENT within the district both in order to achieve the vision set forth for the Center City and to provide a mechanism for implementing the following specific goals, using both public and private sector investments:
 1. Capitalize on public investment in existing infrastructure
 2. Stabilize and strengthen mixed-use commercial centers and residential neighborhoods
 3. Create a pedestrian-oriented and multi-modal district
 4. Promote, create, and expand housing options
 5. Ensure transit-supportive and transit-serviceable DEVELOPMENT
 6. Ensure a complementary relationship with surrounding neighborhoods
- C. The creation of transit- and pedestrian-oriented DEVELOPMENT and REDEVELOPMENT is dependent on three factors: density, diversity of uses, and design. This Code places greatest emphasis on design, or physical form, because of its importance in defining neighborhood and district character. All places evolve—density and uses can be expected to change over time as the area continues to grow and mature.

¹ From the *Norman City Center Vision Summary Charrette Report*, May 2014.

104. Other Applicable Regulations

- A. All DEVELOPMENT and REDEVELOPMENT must comply with relevant Federal, State and City regulations. Whenever any provision of this Code imposes a greater requirement or a higher standard than is required in any State or Federal statute or other City ordinance or regulation, the provisions of this Code shall govern unless preempted by State or Federal law.
- B. Where apparent conflicts exist between the provisions of the CCFBC and other existing ordinances, regulations, or permits, or by easements, covenants, or agreements, the Director shall determine, based on which best meets the requirements of this Code and Vision plan, which provisions shall govern within the Center City Form District.
- C. Within the Center City Form-Based Code Area of Norman exhibited in Norman Code 36-540, and contained within the Central Core Area of Norman (see map exhibit to Norman Code 36-550) any two-family (duplex) structure with four or more BEDROOMS per unit is required to be sprinkled per the requirement in Section P2904 of the International Residential Code (IRC) or NFPA 13D, or as these documents are amended.

105. Minimum Requirements

In interpreting and applying the provisions of the CCFBC, they are the minimum requirements for DEVELOPMENT under this Code.

106. Severability

Should any provision of the CCFBC be decided by the courts to be unconstitutional or invalid, that decision shall not affect the validity of the CCFBC other than the part decided to be unconstitutional or invalid.

107. Components of the Code

The CCFBC places a primary emphasis on physical form and placemaking, with a secondary focus on land uses. The principal regulatory sections of this Code are described below.

A. Administration

Administration covers application and review process for DEVELOPMENT project approval.

B. The Regulating Plan

The REGULATING PLAN is the application key for the CCFBC. It provides a public space master plan with specific information on DEVELOPMENT parameters for each parcel and shows how each lot relates to the STREET-SPACE (streets, SQUARES/CIVIC GREENS, PLAZAS, PEDESTRIAN PATHWAYS, etc.) and the surrounding neighborhood. The REGULATING PLAN may identify additional regulations and/or opportunities for lots in specific locations.

C. The Building Form Standards

The BUILDING FORM STANDARDS establish basic parameters governing building form, including the buildable envelope (in three dimensions) and certain permitted and/or required elements—such as SHOPFRONTS, BALCONIES, and STREET WALLS. The BUILDING FORM STANDARDS establish both the boundaries within which things may be done and specific things that must be done.

The primary intent of the BUILDING FORM STANDARDS (BFS) is to shape the STREET-SPACE, or public realm, through placement and form controls on buildings. Their secondary intent is to ensure that the buildings cooperate to form a functioning, sustainable, BLOCK structure. The applicable standard for a building site is determined by the STREET FRONTAGE designated on the REGULATING PLAN.

D. The Urban-Space Standards

The purpose of the Urban-Space Standards is to ensure coherent STREET-SPACE and to assist builders and owners with understanding the relationship between the public realm and their own building. These standards set the parameters for the placement of STREET TREES, sidewalks, and other amenities or furnishings within the STREET-SPACE. They set recommended configurations for the vehicular part of the street as well as other public spaces such as greens, squares, and plazas.

E. Building Function Standards

The Building Function Standards define the uses allowed and/or required on ground floors and in upper floors, correlated with each BUILDING FORM STANDARD. Because the CCFBC emphasizes form more than use, it includes fewer, broader categories than those provided elsewhere in the Norman Zoning Ordinance.

F. Parking and Loading Standards

Parking and loading standards provide goals and requirements to promote a “park once” environment through shared parking and encourage a pedestrian-friendly, walkable CC Form District.

G. Definitions

Certain terms in the CCFBC are used in very specific ways, often excluding some of the meanings of common usage. Wherever a word is in SMALL CAPITALS format, consult *Part 9. Definitions* for its specific and limited meaning. Where there is an apparent contradiction between the definitions in the CCFBC and those in the Norman Zoning Ordinance, the definitions in this Code shall prevail. Words used in the CCFBC, but not defined by this Code, but that are defined in the Norman Zoning Ordinance, shall have the meanings set forth therein.

Part 2. Administration, Application Process & Appeals

201. Applicability

DEVELOPMENT and REDEVELOPMENT proposals within the Center City Form District shall be subject to the provisions of this *Part 2* and/or *Appendix A*.

202. Director

A. Authority

The Director of Planning and Community Development (“Director”) and the Development Review Team (DRT) are authorized to review and approve applications for Certificates of Compliance and Administrative Adjustments.

B. Delegation of Authority

The Director may designate any member of the staff of the City’s Planning and Community Development Department to represent the Director in any function assigned by the Center City Form-Based Code (CCFBC). The Director, however, shall remain responsible for any final action taken under this Section.

203. FBC Development Review Team

The existing Development Review Team (DRT) with an additional citizen member who is a resident of the Center City Form District will provide a coordinated and centralized technical review process to ensure compliance with the requirements of the CCFBC. The Development Review Team is comprised of personnel from the City departments that have an interest in the DEVELOPMENT review and approval process.

A. Powers and Duties

1. The Development Review Team shall be responsible for the review of Concept Plans, Site Plans and any other DEVELOPMENT related applications that may be required by the CCFBC.
2. The Development Review Team shall be responsible for making determinations on the application and interpretation of guidelines, standards, and requirements of the CCFBC.
3. The Development Review Team may require the applicant to submit additional information not otherwise specifically required by the CCFBC, which is reasonably necessary to review and determine whether the proposed DEVELOPMENT complies with the requirements of the CCFBC.
4. The Development Review Team shall not be authorized to waive or vary requirements of the CCFBC or any other applicable ordinance of the City of Norman unless specifically allowed in the CCFBC.

B. Operational Procedures

The Development Review Team shall meet on their regularly scheduled meeting dates to review DEVELOPMENT applications. It shall be the

responsibility of the Planning Director, or the Director's designee, to collect the comments of the DRT, prepare a written staff analysis of the outstanding issues related to each application, and provide it to the applicant in a timely manner.

204. Certificate of Compliance

An application for approval of a Certificate of Compliance, demonstrating compliance with the provisions contained in the CCFBC and the REGULATING PLAN shall be submitted to the Director. At the time an application is submitted for a Certificate of Compliance for a Center City Form District property, the property shall be posted by staff with a sign provided by the City of Norman identifying that such a request has been received. A fully refundable \$20.00 sign deposit is required.

A. Pre-Application Conference

A pre-application conference with a member of the professional planning staff of the Department of Planning and Community Development is required prior to the submission of any application for a Certificate of Compliance. The applicant shall provide a concept site plan and conceptual drawings of the FACADES of any building at a scale of at least 1"=100' for consideration by the staff. The discussions and any conclusions based on the pre-application conference are not binding on any party thereto.

B. Certificate of Compliance Application Requirements

The application for a Certificate of Compliance shall include:

1. A brief narrative describing the Development Proposal;
2. Two (2) sets of completed plans for the Development Proposal at a scale sufficient to read [Site Plans at 1"= 50', Building Plans and Elevations at 1"= 20', Details as necessary to demonstrate form-based code ("FBC") compliance at 1"=4' to 1"=10'] as required by the City and including the following information, which shall be submitted on the following sheets:
 - a. Location and dimensions of all proposed buildings and other construction;
 - b. Internal roadways, streets and/or STREET-SPACES, ALLEYS, common access easements, and access ways to adjacent public roadways;
 - c. Utilities - Sanitation/polycarts and service courts;
 - d. Property lines;
 - e. Utility, drainage and any other easement conveyances affecting the property;
 - f. Required Build Line (BFS) and Parking Setback Line;
 - g. Location and dimensions of all parking areas and striping plan;
 - h. Utility Strategy;
 - i. Architectural drawings of all proposed building FACADES;
 - j. Floor plan;

- k. Landscape plan;
 - l. Stormwater calculations and impervious surface coverage;
3. A completed Form-Based District Review Checklist, the form of which shall be developed, maintained, and made available by the Director, demonstrating compliance with the provisions of the FBC; and
 4. Any other documents and/or materials required by the Director to determine compliance with the FBC.

C. Certificate of Compliance Review

1. The Director of Planning and Community Development may administratively provide for submission and review deadlines for materials and studies required in support of any application for a Certificate of Compliance. The need for technical studies shall be at the Director's discretion or as required by City ordinances.
2. Applicants shall be notified at the Development Review Team meeting if additional materials, studies, and meetings will be required in order for review of their application to commence.
3. After the effective date of the CCFBC, no property which has been zoned under the CC Form District may be DEVELOPED or REDEVELOPED without: (a) approval of a Certificate of Compliance from the Director of Planning and Community Development, (b) approval of an application to voluntarily participate in any Pattern Zoning program or overlay adopted for applicable CC Form District properties, or (c) an approved rezoning to *Center City Planned Unit Development (CCPUD)* as established in *Appendix B*.

205. Effect of Certificate of Compliance Issuance

The Certificate of Compliance shall incorporate the approved site plan, elevation drawings and/or floor plan drawings, as determined by the Director, and shall be binding as to the elements demonstrated therein. Issuance of a Certificate of Compliance by the Director allows an applicant to apply for other necessary permits and approvals which include, but are not limited to, those permits and approvals required under the City Building Code. Certificate of Compliance site plan, elevation drawings and floor plans must be submitted with permit requests, and the Director may decline to issue a Certificate of Occupancy where construction is not completed in compliance with the Certificate of Compliance and its referenced attachments, in the absence of a valid material modification or Administrative Adjustment.

A. Certificate of Compliance Modification

After the Director has issued a Certificate of Compliance, any change in the Development Proposal from Certificate of Compliance and referenced attachments submitted to the Director, other than those permitted under *Section 206* below, shall be considered a material modification and shall be subject to the following review procedure:

1. A complete application for a material modification shall be referred to the DRT at its next regularly scheduled meeting.
2. The Director may administratively provide for submission and review deadlines for materials and studies required in support of any application for a material modification.
3. The DRT shall determine if the proposed material modification is in compliance with the CCFBC Code.

B. Certificate of Compliance Expiration

1. A Certificate of Compliance shall lapse twenty-four (24) months from its issuance if an applicant does not secure a building permit.
2. Upon written communication by the applicant submitted at least thirty (30) days prior to the expiration of the Certificate of Compliance, and upon a showing of good cause, the Director may grant one extension not to exceed six (6) months. Upon an application for extension, the Certificate of Compliance shall be deemed extended until the Director has acted upon the request for extension.

C. Appeal

An appeal by a person aggrieved by the Director's decision on a Certificate of Compliance application, and situations where Administrative Adjustments are requested, will be to City Council.

206. Administrative Adjustments

A. Purpose and Intent

The purpose and intent of this section is to provide an administrative mechanism for allowing minor adjustments to limited and specific requirements of the Center City Form-Based Code, with the intent of providing relief where the application of a standard creates practical difficulties in allowing DEVELOPMENT to proceed. These adjustments are intended to provide relief for minor construction/survey issues; they are not intended for deviations from the CCFBC, like those governed by *Appendix A and B*. This optional process occurs only where an applicant requests an Administrative Adjustment to a standard specified below.

B. Administrative Adjustment Application and Review Procedure

1. An application for approval of an Administrative Adjustment shall include:
 - a. A brief narrative describing the Administrative Adjustment sought;
 - b. A completed Administrative Adjustment Checklist, the form of which shall be developed, maintained, and made available by the Director, demonstrating that the adjustment sought is limited to the standards set forth below; and
 - c. Any other documents and/or materials required by the Director to determine that the adjustment sought is limited to the standards set forth below.

2. The Director may seek assistance from the DRT in making a determination under this Section.
3. Within ten (10) business days of receipt of a complete application, the Director shall review the application in accordance with the Administrative Adjustment Standards below, and take one of the following actions:
 - a. Approve the application as submitted;
 - b. Approve the application with conditions; or
 - c. Deny the application.

C. Administrative Adjustment Standards

The Director is authorized to approve Administrative Adjustment applications in strict conformance with the following standards only:

1. Height

- a. Minimum and maximum height - up to five percent (5%) for any cumulative increase or decrease in building height.
- b. STREET WALL/fence requirements – up to ten percent (10%).
- c. Finished floor elevation – up to five percent (5%).

2. Siting

- a. REQUIRED BUILDING LINE – move forward up to six (6) inches.
- b. REQUIRED BUILDING LINE – move backward up to three (3) feet. Applicant must submit landscaping or balcony plan; with this request.
- c. REQUIRED BUILDING LINE – Move backward up to five (5) feet, in order to accommodate or resolve utility or other vital or related infrastructure conflicts already existing. Utility or other vital or related infrastructure conflicts must be demonstrated by the applicant to and verified by the Development Review Team and the Director.
- d. REQUIRED BUILDING LINE minimum percentage built-to – reduction of up to five percent (5%) of required length.
- e. PARKING SETBACK LINE – move forward up to six (6) feet.
- f. Mezzanine floor area – up to ten percent (10%) additional area.
- g. STREET WALL requirements – up to ten percent (10%) of the height/ FENESTRATION/access gate requirements.
- h. Entrances (maximum average spacing) – up to ten percent (10%) increase in spacing.

3. Elements

- a. FENESTRATION (minimum and maximum percent) – up to five percent (5%).
- b. Elements (minimum and maximum projections) – up to five percent (5%).

4. Streets, Blocks and Alleys

Street center lines may be moved up to 50 feet in either direction, so long as:

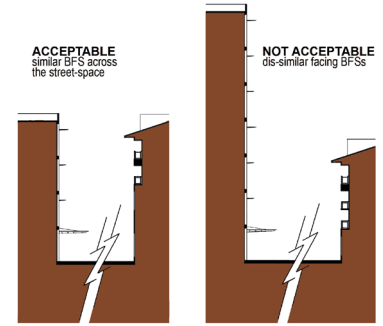
- the street connectivity is maintained (no cul-de-sacs);
- no street intersection occurs within 125 feet of another street intersection; and
- the BLOCK configuration meets the standards defined in *Section 301.D*.

D. Unlisted FBC Standards

Any request for relief from a required FBC standard other than those listed above shall be made through the CCPUD procedures set forth in *Appendices A and B*. (See also *Section 207* below.)

E. Applicability

Any Administrative Adjustment approved under this Section shall run with the land and not be affected by a change in ownership.



207.B.1 Illustrative intent

207. Amendments to the Center City FBC

A. Text Amendments

Any application for an amendment to the FBC text shall be considered an application for a zoning text amendment subject to *Section 36-571* of the Zoning Ordinance and any other regulations applicable to zoning text amendments.

B. Regulating Plan Amendments

Any application for an amendment to the Center City REGULATING PLAN shall be considered an application for a zoning map amendment subject to *Zoning Ordinance Sections 36-571- Amendments* and any other regulations applicable to rezoning.

1. Changes to Streets, Blocks, Alleys

Any amended REGULATING PLAN shall conform to the standards defined in *Section 301*.

208. Non-Conforming Structures and Uses

A. Non-conforming structures. NON-CONFORMING STRUCTURES within the CC Form District may only be altered according to the following:

- 1. Repair and Remodeling.** Repair and remodeling of the structures which do not affect the structure's footprint may be made in conformance with an applicable LEGACY ZONING DISTRICT.
- 2. Additions.** An addition to a NON-CONFORMING STRUCTURE is permissible as long as:
 - The structure occupying the original footprint of the structure is not demolished and remains occupied in substantially the same manner as prior to the addition; and
 - The overall size of the structure does not increase by more than 50% of the square footage of the NON-CONFORMING STRUCTURE.

3. Destruction and Replacement.

- a. **Destruction Generally Not Permitted.** Destruction of a NON-CONFORMING STRUCTURE in a manner not specifically allowed by subpart (b) below will destroy the legal non-conforming status of the structure and any NON-CONFORMING USES carried on within the NON-CONFORMING STRUCTURE, thus initiating complete application of the CCFBC to the subject property(ies) going forward.
- b. **Generally.** NON-CONFORMING STRUCTURES destroyed by fire, explosion, act of God, or the public enemy may be:
 - (i) replaced with a NON-CONFORMING STRUCTURE of comparable height and siting as set forth in subpart (c) below;
 - (ii) REDEVELOPED following the CCFBC standards; or
 - (iii) follow the CCPUD process established in *Appendices A and B*.
- c. **Replacing a NON-CONFORMING STRUCTURE.**
 - (i) All NON-CONFORMING STRUCTURES destroyed as set out in subpart (b) above may be replaced in conformance with a LEGACY ZONING DISTRICT only by a NON-CONFORMING STRUCTURE of comparable footprint, height and siting.
 - (ii) Additionally, single-family, duplex and residential accessory NON-CONFORMING STRUCTURES destroyed by fire, explosion, act of God, or the public enemy may be replaced in conformance with a LEGACY ZONING DISTRICT so long as the NON-CONFORMING STRUCTURE is not converted to another NON-CONFORMING USE or expanded beyond the footprint of the destroyed NON-CONFORMING STRUCTURE.

4. **Non-Conforming Signage.** NON-CONFORMING STRUCTURES may utilize existing non-conforming signage materials and framework, and may alter the content of such non-conforming signage in compliance with the LEGACY ZONING DISTRICT. However, where non-conforming signage materials or framework are substantially altered, replaced or substituted, or where additional signage is sought, all signage must then comply with the provisions of the CCFBC. A NON-CONFORMING STRUCTURE may comply with CCFBC signage regulations, as required herein, without otherwise destroying its status as a NON-CONFORMING STRUCTURE herein.

B. NON-CONFORMING USES

1. **Generally.** Permitted uses and Development Standards in applicable LEGACY ZONING DISTRICTS may continue and be carried on in NON-CONFORMING STRUCTURES, even where the CCFBC, see *Part 7, Section 702. Use Table*, would apply Additional Regulations that cannot be satisfied.
2. **CCFBC Uses in NON-CONFORMING STRUCTURES.** Uses permitted within the CCFBC, and which cannot be found in a property's applicable LEGACY ZONING DISTRICT, are permitted in NON-CONFORMING STRUCTURES, and will not result in a destruction of legal non-conforming status.

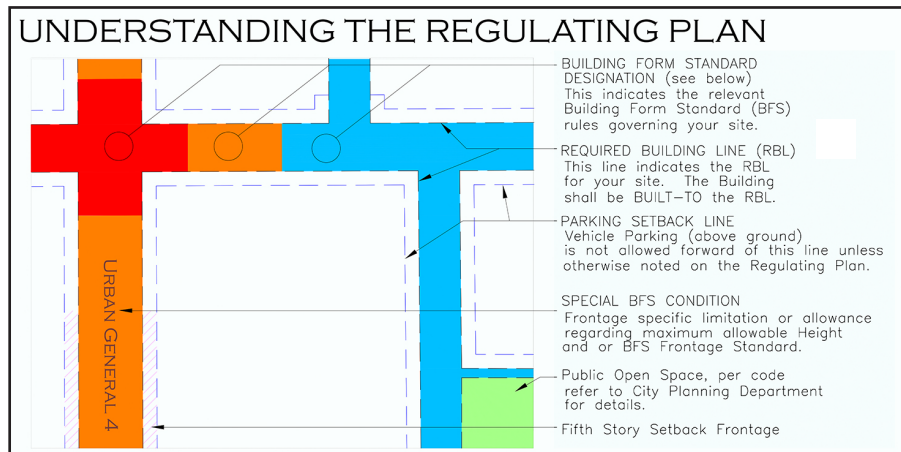
Part 3. The Regulating Plan

301. Rules for Regulating Plans

A. Purpose and Intent

1. The REGULATING PLAN is the controlling document and principal tool for implementing the Center City Form-Based Code (CCFBC).
2. The REGULATING PLAN makes the DEVELOPMENT standards place-specific, by designating the BUILDING FORM STANDARDS (BFS) and delineating the public spaces. The REGULATING PLAN identifies: the boundaries for the district; existing and proposed streets and ALLEYS; the REQUIRED BUILDING LINE and PARKING SETBACK LINE throughout the plan area.
3. The REGULATING PLAN may identify specific characteristics assigned to a lot or building site and may identify additional regulations (and opportunities) for lots in specific locations, as well as exceptions to the BFS or other standards.

B. Regulating Plan Key



C. Building Form Standards (BFS) on the Regulating Plan

- a. BUILDING FORM STANDARDS are designated on the REGULATING PLAN by STREET FRONTAGE.
- b. The allocation and distribution of BFS frontages—which define the form and character of the district—was based on the *Center City Vision Plan* and determined by the physical context (what goes next to what) and diversity of allowed/required uses.

D. Streets, Blocks & Alleys on the Regulating Plan

1. Streets

Recommended street configurations called out in *Part 5. Urban Space Standards* or on the REGULATING PLAN may or may not be immediately constructed. They should be placed into the system such that, when reasonable for the City's street maintenance/reconstruction plan, they can be rationally constructed.

- a. Additional streets may be added to the REGULATING PLAN to create a smaller BLOCK pattern; however, no streets may be deleted without being replaced elsewhere within the district.
- b. Where new ALLEYS OR PEDESTRIAN PATHWAYS are designated on the REGULATING PLAN, they are critical to the working of the CC Form District and shall be considered mandatory. While the street infrastructure may not be constructed until some point in the future, the RBL, and other regulations of the REGULATING PLAN shall be respected.
- c. New ALLEYS OR PEDESTRIAN PATHWAYS shall be public or publicly accessible.
- d. All lots shall share a frontage line with a STREET-SPACE.

2. Blocks

a. Maximum Size:

No BLOCK FACE shall have a length greater than 300 feet without an ALLEY, access easement, or PEDESTRIAN PATHWAY providing through-access to another STREET-SPACE, ALLEY OR COMMON DRIVE. Individual lots with less than 100 feet of STREET FRONTAGE are exempt from the requirement to interrupt the BLOCK FACE; those with over 200 feet of STREET FRONTAGE shall meet the requirement within their lot, unless already satisfied within that BLOCK FACE.

b. Curb Cuts:

- (i) Unless otherwise specified on the REGULATING PLAN, no new curb cuts are permitted.
- (ii) For lots with ALLEY access, existing curb cuts shall be eliminated/vacated at the time of REDEVELOPMENT.
- (iii) For lots without ALLEY access, existing curb cuts may be maintained or relocated.
- (iv) Where a parking structure is being provided with at least 30% of its spaces publicly available, existing curb cuts may be relocated (even if the lot has ALLEY access.)

3. Alleys

- a. ALLEYS or COMMON DRIVES must provide access to the rear of all lots, except where a lot has streets on three sides and the absence of an ALLEY or COMMON DRIVE would not deprive an adjacent neighbor of rear lot access.
- b. For new ALLEYS (or COMMON DRIVES), public access, public utility, and drainage shall be dedicated via an easement.
- c. ALLEYS may be incorporated into (rear) parking lots as standard drive aisles. Access to all properties adjacent shall be maintained.
- d. Where an ALLEY does not exist but is identified on the REGULATING PLAN and it is not feasible to construct at the time of REDEVELOPMENT, no permanent structure shall be constructed within the proposed ALLEY right-of-way. The applicant is required to dedicate the ALLEY right-of-way within the rear setback to the City (for future construction) and maintain the area within the rear setback by, at a minimum:
 - (i) Providing routine landscape maintenance to the area.
 - (ii) Keeping the area clear of debris, stored materials, and stored or parked vehicles.

4. Changes to Regulating Plan

Any amendment or change to the REGULATING PLAN, beyond those specified in *Section 301.D.* above, will be a zoning map amendment of this Code. See *Section 207.B.*

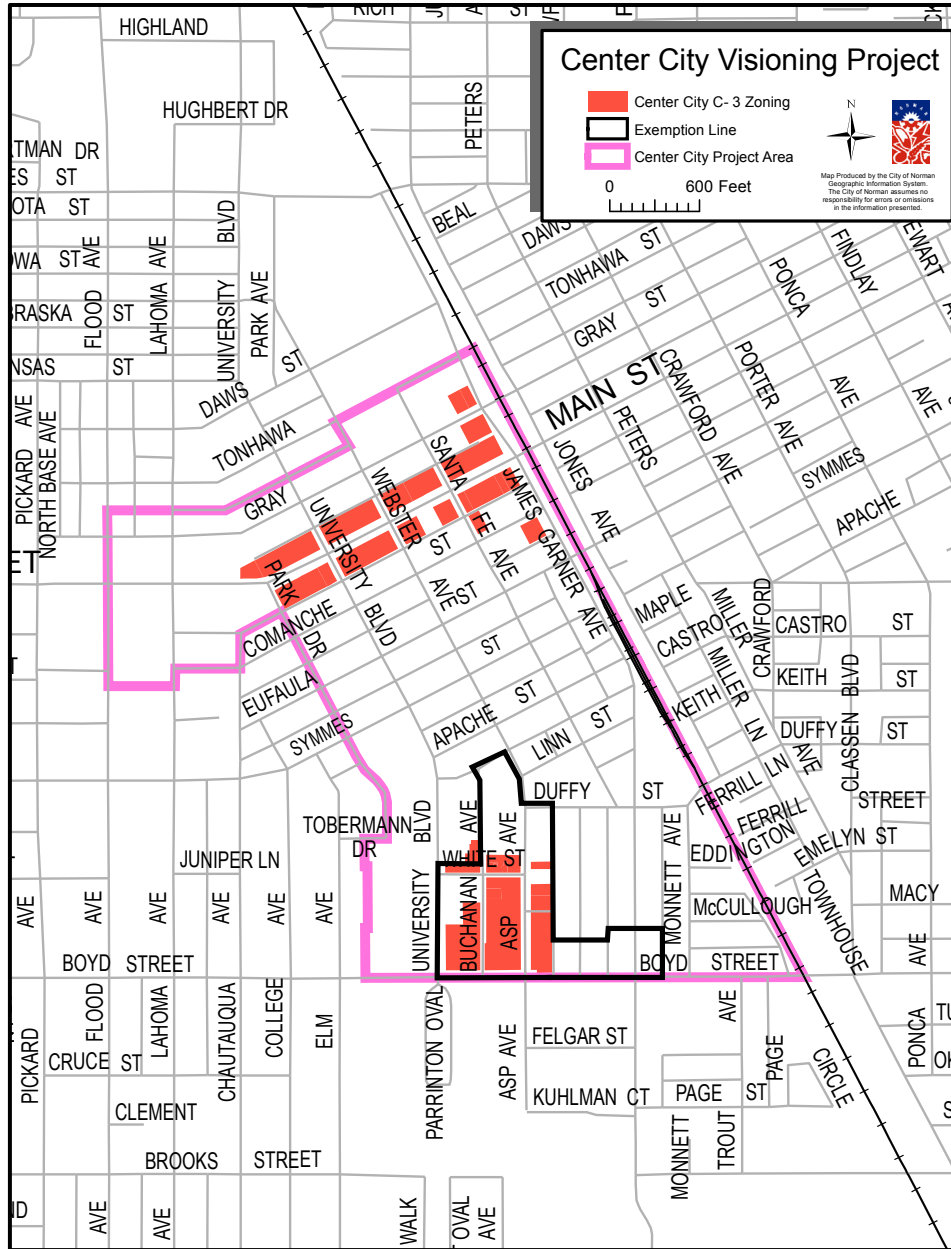
E. Special Site Conditions in the Center City Form District

1. Some building height and parking requirements of this Code are not applicable to properties zoned C-3 at the time of CCFBC adoption. (See *Part 4. Building Form Standards, Sections 403 & 404*, and *Part 6. Parking and Loading Standards, Section 603.A.* for specific exemptions, and *Section 302. Illustrative Form District Maps*, below, for the applicable parcels.)
2. The following conditions are identified by numbered asterisks (*) on the REGULATING PLAN. They may require additional performance standards or provide additional DEVELOPMENT opportunities due to their unique context.
 - a. (*1) Located on Jenkins at the transition from the excluded Campus Corner area to Urban Residential frontage. Existing building form and use (at the time of CCFBC adoption) is that of strip commercial. Future REDEVELOPMENT may continue the range of uses.
 - b. (*2) Located on Webster at Apache. Existing historic building form is that of neighborhood commercial. Future REDEVELOPMENT may continue commercial use if existing buildings are maintained without expansion or new DEVELOPMENT remains within the limit of the existing building footprint and height at the time of CCFBC adoption.

- c. (*3) Located on Park Drive. REQUIRED BUILDING LINE (RBL) is a “zone” as defined on the REGULATING PLAN. This is to accommodate the small lot/tightly curving Detached Frontage.)
- d. (*4) Located off University behind Boyd House. The lot building limit provides a ‘no structures’ area; an additional 30-foot deep zone designated with a cross-hatch on the REGULATING PLAN establishes an additional buffer area wherein the maximum height for any structure is 30 feet.

302. Illustrative Form District Maps

302.A. Center City Visioning Map



302.D. Center City Unit Minimum Map



Note: This version of the Center City Unit Minimum Map is shown for illustrative purposes only. There is no unit maximum requirement except for Detached Frontage.

Part 4. Building Form Standards

401. Intent

- A. The goal of the BUILDING FORM STANDARDS (BFS) is the creation of a vital, and coherent public realm through the creation of good STREET-SPACE. The intent of these form standards is to shape the STREET-SPACE—the specific physical and functional character—of the Center City Form District. The form and function controls on building frontages work together to frame the STREET-SPACE while allowing the buildings greater latitude behind their FACADES. The BUILDING FORM STANDARDS aim for the minimum level of control necessary to meet this goal.
- B. The BFS set the basic parameters governing building construction, including the building envelope (in three dimensions) and certain required or permitted functional elements.
- C. The BFS establish the rules for DEVELOPMENT and REDEVELOPMENT ON private lots, unless otherwise indicated on the REGULATING PLAN.
- D. The REGULATING PLAN identifies the BUILDING FORM STANDARD for all private building sites within the CC Form District.
- E. These BFS establish a range of DEVELOPMENT intensity and character within the CC Form District specific to each individual frontage, beginning in *Section 403*. The BFS frontages are:
 1. Urban General Frontage, *Section 403*
 2. Urban Residential Frontage, *Section 403*
 3. Urban Storefront Frontage, *Section 404*
 4. Detached Frontage, *Section 405*

402. General Provisions

The following apply to all BFS, unless expressly stated otherwise within an individual BFS or otherwise designated on the REGULATING PLAN.

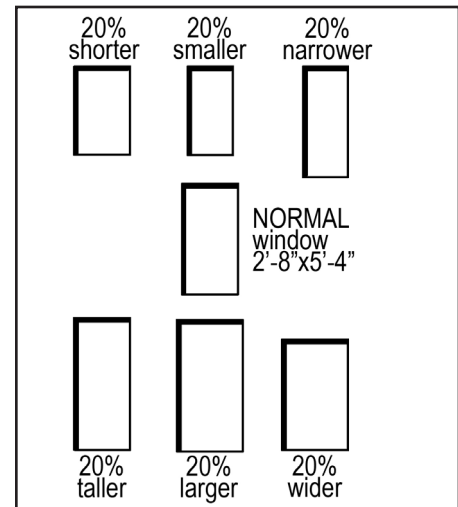
A. Frontage Transitions

When the BFS designation shown on the REGULATING PLAN changes along a property's REQUIRED BUILDING LINE (RBL), that property owner has the option, for that property's STREET FRONTAGE only, of applying either BFS for a maximum additional distance of 50 feet, from the transition point shown on the REGULATING PLAN, in either direction along that RBL.

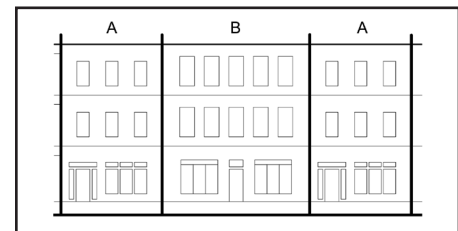
B. Façade Composition

1. "FAÇADE COMPOSITION" is the arrangement and proportion of FACADE materials and elements (windows, doors, columns, pilasters, bays).
 - a. Each FAÇADE COMPOSITION shall include a functioning street entry door. (Only applies to STREET FRONTAGE that is the same as the street address.)

- b. Individual infill projects on lots with STREET FRONTAGE of less than 100 feet on a BLOCK FACE are exempted from the overall FAÇADE COMPOSITION requirement for that BLOCK FACE, but shall still include a functioning street entry. This requirement may be satisfied for large footprint uses, such as large grocery stores, through the use of LINER SHOPS.
2. “COMPLETE AND DISCRETE” distinguishes one part of the FACADE from another to break down the perceived scale of large buildings and provide a better pedestrian experience.
- a. For each BLOCK FACE, FAÇADES along the RBL shall present A COMPLETE AND DISCRETE VERTICAL FAÇADE COMPOSITION to maintain and/or create the pedestrian-scale for the STREET-SPACE, at no greater than the following average STREET FRONTAGE lengths:
- 60 feet for Urban Storefront;
 - 75 feet for Urban General and Urban Residential.
 - A longer FAÇADE COMPOSITION may be presented, as long as smaller compositions appear within the same BLOCK FACE in order to achieve the above-stated average.
- b. To achieve a COMPLETE AND DISCRETE VERTICAL FACADE COMPOSITION (*Item 2* above) within a STREET FRONTAGE requires, at a minimum, *Item i* and at least two additional *Items ii-v*, below:
- Clearly different GROUND STORY FAÇADE COMPOSITION (both framing materials and FENESTRATION proportions) from one bay to the next.
 - FENESTRATION proportions differing at least 20 percent in height or width or height:width ratio. (*See figure 402.B.2.b.ii.*)
 - At least two different bay configurations. (*See figure 402.B.2.b.iii.*)
 - Change in wall material (changes in paint color are insufficient).
 - Change in total FENESTRATION percentage (minimum difference 12 percent; ground floor FAÇADES are not included).



402.B.2.b.ii. Facade composition illustrative intent



402.B.2.b.iii. Facade Composition illustrative intent

C. Building Size

The maximum footprint for a building is 25,000 gross square feet; for buildings beyond that limit, see *Appendices A and B*. This shall not limit parking structures built according to the standards of this Code.

D. Neighborhood Manners

For the Urban General, Urban Storefront, and Urban Residential BFS frontages, the following rules apply:

- Where a site shares a COMMON LOT LINE with a DETACHED BFS frontage lot within the City Center Form District or an R-1 lot adjacent to the western boundary of the District:
 - There shall be at least a 20-foot setback from the COMMON LOT LINE. (*See figure 402.D.1.a.*)
 - Within 50 feet of the COMMON LOT LINE, and within 80 feet of any RBL, any structures shall have a maximum height of 30 feet. This

requirement supersedes the minimum STORY requirement. (See *figure 402.D.1.b-c.*)

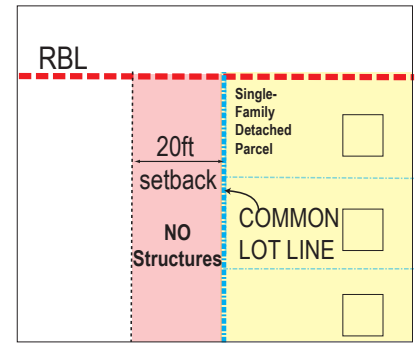
- c. Farther than 80 feet from any RBL, there shall be an additional 30 foot setback (for a total of 50 feet) from the COMMON LOT LINE for all structures. Surface parking is allowed. (See *figure 402.D.1.b-c.*)
2. Where a site has a COMMON LOT LINE with a Detached BFS frontage lot within the City Center District or an R-1 lot adjacent to the District, a GARDEN WALL, 4 to 6 feet in height, shall be constructed within one (1) foot of the COMMON LOT LINE. Trees from the Street Tree List shall be planted, on maximum 30-foot centers, within 10 feet of this wall.

E. Height

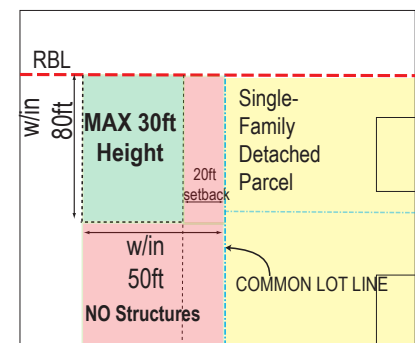
1. The height of all buildings is measured in STORIES, with an ultimate limit in feet, measured from the average fronting public sidewalk elevation to the top of the wall plate, unless otherwise specified in the individual BFS.
2. The minimum FACADE height that is required at the RBL is shown on the individual BFS.
3. The ceiling of an ENGLISH BASEMENT is at least 3 feet above sidewalk grade with windows above grade. ENGLISH BASEMENT units do not count against the STORY height limit but do count against the ultimate height measurement.
4. An ATTIC STORY is not included in the building height measurement.
5. MEZZANINES that have a floor area greater than 1/3rd of the floor area of the STORY in which they are located shall count as an additional full STORY in the building height measurement.
6. At least 80% of each STORY shall meet the minimum CLEAR HEIGHT prescribed in the individual BFS.
7. The GROUND STORY finished floor elevation requirements shall be measured at two points:
 - a. from the average exterior public sidewalk elevation at the RBL, and
 - b. within 30 feet of any RBL.

F. Siting

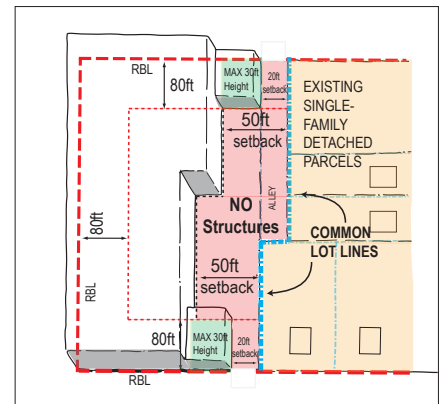
1. Building FACADES shall be built to the RBL as prescribed in the BFS. Single parcels with varied RBLs may select a single RBL and build to that designation.
2. The building FAÇADE shall be built to the RBL within the first 30 feet of a BLOCK CORNER, unless otherwise specified in the BFS. (See *figure 402.F.2.*)
3. The RBL, designated on REGULATING PLAN as an absolute line, incorporates an offset area (or depth) of 24 inches behind that line (into the BUILDABLE AREA) allowing for jogs, FAÇADE articulation, etc. unless otherwise designated herein. Therefore, where the FAÇADE is placed within that 24-inch zone, it is considered to be “built to” the RBL.



402.D.1.a. Neighborhood Manners -- Required setback

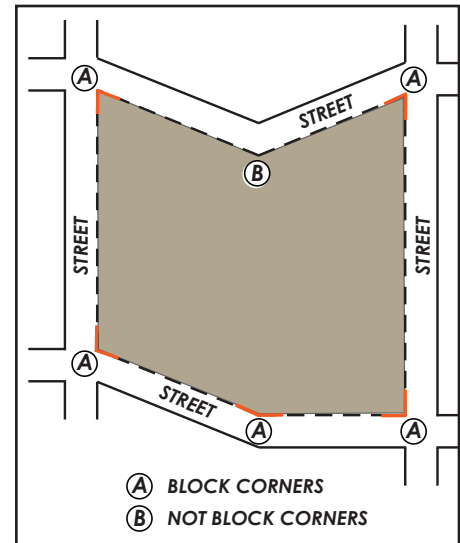


402.D.1.b. Neighborhood Manners -- Height limitations and required setbacks



402.D.1.c. Neighborhood Manners -- Limitations on buildable envelope

4. Where a STREET WALL is required, it shall be located along any RBL frontage that is not otherwise occupied by a building.
5. Buildings may only occupy that portion of the lot specified as the BUILDABLE AREA—the area behind the RBL as designated by the BFS.
6. No part of any building may be located outside of the BUILDABLE AREA except overhanging eaves, AWNINGS, BALCONIES, SHOPFRONTS, BAY WINDOWS, STOOPS, steps, or handicapped ramps approved by the Director. STOOPS, steps, and ramps shall not be located within the CLEAR WALKWAY. Where workable, for appropriate COMMERCE and RETAIL uses, temporary displays or cafe seating may be placed in the DOORYARD.
7. There is no required setback from ALLEYS (or COMMON DRIVES) except as otherwise indicated on the individual BFS. On lots without ALLEY access, there shall be a minimum 15-foot setback from the rear lot line.
8. The PARKING SETBACK LINE is generally 30 feet behind the RBL and extends, vertically from the first floor level, as a plane unless otherwise indicated on the REGULATING PLAN or in the individual BFS. Vehicle parking shall be located behind the PARKING SETBACK LINE, except where parking is provided below grade, on-street, or otherwise indicated on the REGULATING PLAN.
9. All lots, including CORNER LOTS and through lots, shall satisfy the build-to requirements for all their RBL frontages, and the DOORYARD and/or FRONT YARD requirements for each designated BFS, unless otherwise specified in this Code.



402.F.2. Block Corner diagram

G. Private Open Area

1. Any required PRIVATE OPEN AREA located on the ground shall have at least 1 tree per 800 square feet, of at least 2.5 inches in diameter at designated breast height (DBH) and at least 10 feet in overall height. Where new trees are planted to meet this requirement, they shall be no closer than five feet to any COMMON LOT LINE. Urban General, Urban Storefront, and Urban Residential lots that are reusing existing structures (without expansion) are exempt from this requirement.
2. Species must be selected from a list approved by the Director or their designee. Trees listed on the Norman Invasive Species list are prohibited from private open areas.

H. Garage and Parking

1. Curb cuts or driveways, except those along ALLEYS, shall be located at least 75 feet away from any BLOCK CORNER or parking structure entry on the same BLOCK FACE.
2. No portion of a parking structure (except for elevator penthouses) shall exceed the individual BFS ultimate building height in feet; however:
 - a. a parking structure may include additional levels of parking in excess of the building height limit in STORIES, and
 - b. parking on the open, roof level is permitted.

3. Any portion of a parking structure within 20 feet of a building constructed under this Code shall not exceed 40 feet or that building's primary ridge or parapet height, whichever is greater.

I. Elements

1. FENESTRATION is regulated as a percentage of the FAÇADE between floor levels. It is measured as glass area (including mullions and similar window frame elements with a dimension less than one inch) and/or as open area.
2. FENESTRATION shall be distributed such that no 30-foot square section of a FACADE violates the BFS percentage parameters.
3. Unless otherwise designated in the individual BFS, no window may be at an angle of less than 90 degrees from a COMMON LOT LINE within 3 feet, unless:
 - a. That view is contained within the lot (e.g. by a PRIVACY FENCE/ GARDEN WALL, opaque glass), or
 - b. The sill is at least 6 feet above its finished floor level.
4. No part of any building may project forward of the RBL except overhanging eaves, AWNINGS, SHOPFRONTS, BAY WINDOWS, STOOPS, steps, FRONT PORCHES, BALCONIES, or handicapped ramps approved by the Director.
5. GROUND STORY AWNINGS shall maintain a minimum horizontal clearance of 1 foot from any point where the TREE LAWN meets the CLEAR WALKWAY and shall maintain a CLEAR HEIGHT of at least 10 feet above the CLEAR WALKWAY.
6. BALCONIES may not project within 5 feet of a COMMON LOT LINE. Balconies and FRONT PORCHES may encroach within the public right-of-way, subject to the issuance of applicable permits and required permissions.
7. Where an individual BFS includes BALCONIES as a method for achieving the required PRIVATE OPEN AREA, the BALCONY shall not otherwise be enclosed above a height of 42 inches, except with insect screening and/or columns/posts supporting a roof or connecting with another BALCONY above.
8. BAY WINDOWS shall have an interior clear width of between four and eight feet at the main wall. BAY WINDOWS shall project no more than 42 inches beyond the RBL.
9. ATTIC STORIES are permitted within all BFS frontages.
 - a. On the RBL/FACADE side of the roof pitch (BLOCK interior elevations are not restricted) ATTIC STORY windows may only be located in DORMERS and/or gable-ends.
 - b. ATTIC STORY DORMERS are permitted so long as they do not break the primary eave line, are individually less than 15 feet wide, and their collective width is not more than 60 percent of the RBL FACADE length.
 - c. An ATTIC STORY may not occupy an area greater than 75% of the floor area of the STORY immediately below.

- d. ATTIC STORIES meeting the above standards do not count against the maximum building height in feet or STORIES.
10. At least one functioning entry door shall be provided along each GROUND STORY FAÇADE. No GROUND STORY FACADE may include a section of greater than 75 feet without a functioning entry door, unless otherwise specified in the BFS. (Only applies to STREET FRONTAGE that is the same as the street address.) A FACADE entry door is not required for any DWELLING UNIT with an entry door in a frontage-facing courtyard.
11. All FRONT PORCHES shall be completely covered by a roof. FRONT PORCHES may be screened when all architectural elements (columns, railings, etc.) occur on the outside of the screen on the side facing the STREET-SPACE. The finished FRONT PORCH floor height shall be no more than 8 inches below the first interior finished floor level of the building to which it is attached. FRONT PORCHES shall not extend past the DOORYARD into the CLEAR WALKWAY.
12. The finished STOOP floor height shall be no more than 8 inches below the first interior finished floor level of the building to which it is attached. STOOPS shall not extend past the DOORYARD into the CLEAR WALKWAY.
13. PRIVACY FENCES may be constructed along COMMON LOT LINES behind the RBL, and along ALLEYS. PRIVACY FENCES shall have a maximum height of 8 feet.

J. Architectural Materials (exteriors)

The Center City is a compact, walkable, mixed-use urban district. Traditional, sustainable, durable materials appropriate to the central Oklahoma climate are encouraged. Innovative, energy-efficient materials detailed appropriate to a pedestrian-scaled urban environment are encouraged. The following materials are prohibited:

1. Any lap siding except natural wood or cementitious fiber board.
2. Composition roofing shingles used as a wall material
3. Exposed fastener metal panels
4. Artificial stucco or EIFS, except high impact quality

K. Roof Configurations

Where CLEARLY VISIBLE FROM THE STREET-SPACE, pitched roofs, exclusive of roofs behind parapet walls, shall be pitched between 4:12 and 12:12. Shed roofs, attached to the main structure, shall be pitched between 3:12 and 8:12. (See *Section 402.N.2.* for standards for screening mechanical equipment.)

L. Civic Use Buildings

When CIVIC USE BUILDINGS are designated on the REGULATING PLAN, they are exempt from the BFS provisions except those required under *Section 402.D. 1-2 Neighborhood Manners.*

M. Signage

The standards in this section, *M. Signage*, apply in the Urban General, Urban Storefront, and Urban Residential frontages and supersede *Chapter 28 (Sign Regulations)* of the *Norman Municipal Code* in the areas so designated.

1. Intent and Guiding Illustrations

Signs along commercial and mixed-use frontages should be clear, informative and should weather well. Signage is desirable for advertising shops and offices, and as decoration. Signs should be scaled to the District: mixed-use, pedestrian-oriented, with slow-moving automobile traffic. Signage that is glaring or too large creates distraction, intrudes into and lessens the district experience, and creates visual clutter. The photographs in this *Section 402.M. Signage* are advisory only.

2. General Standards

- a. Wall signs are permitted within the area between the second STORY floor line and the first floor ceiling with a horizontal band not to exceed 2 feet in height. In no case shall this band be higher than 20 feet or lower than 11 feet above the adjacent sidewalk.
- b. Letters shall not exceed 18 inches in height or width. Signs shall not come closer than 2 feet to an adjacent COMMON LOT LINE.
- c. Additionally company logos or names may be placed within this horizontal band or placed or painted within ground floor or second STORY windows.
- d. A masonry or bronze plaque bearing an owner's or building's name may be placed in the building's cornice/parapet wall or under the eaves, and above the upper STORY windows. Any such plaque shall be no larger than a rectangle of 18 square feet.
- e. Blade signs (perpendicular to the REQUIRED BUILDING LINE) not more than 5 feet wide containing a maximum of 25 square feet per side and minimum 9 feet clear height above the sidewalk may be hung from the FAÇADE, or from an overhang or awning. Vertically oriented blade signs less than 30 inches wide may contain up to 30 square feet per side. No blade sign shall extend above the FAÇADE at the RBL.
- f. Neon signs are allowed within SHOPFRONT windows throughout the District.
- g. No more than 25% of a shop or store window may be covered by signage.
- h. Temporary sidewalk easel signs of up to 36" in height are permitted within the DOORYARD area. They may also be considered a permitted obstruction to the sidewalk or right-of-way, with prior approval from the City.
- i. All illumination of signs and buildings shall be by constant light—flashing, traveling, animated, or intermittent lighting shall not be mounted on the exterior of any building, whether such lighting is temporary or permanent.

3. Prohibited Signs

Outdoor advertising signs, roof signs, free-standing pole signs, monument signs, any kind of animation, and signs painted on the exterior walls of buildings. No digital, flashing, scrolling, traveling, animated, or intermittent lighting shall be on the exterior of any building whether such lighting is of temporary or long-term duration. Portable or wheeled signs and advertising



Wall sign



Blade sign



Painted window sign



Masonry parapet sign

located outside any building are not allowed except as specifically allowed for in Section M.2.h.

N. Lighting & Mechanical

1. Lighting Standards¹

- a. Street lights shall be located between 9 feet and 12 feet above grade with a maximum average spacing (per BLOCK face) of 60 feet on center on Storefront frontage sites, 75 feet on Urban General frontage sites, and 100 feet on other frontage streets along the street tree alignment line on each side of the street-space and travel lanes (unless otherwise indicated on the regulating plan). Full cut-off fixtures are required; design must be approved by City staff to meet a “uniform design” within the CCFBC District.
- b. Direct light (i.e. the lighting element) shall be shielded from view from public spaces and adjoining properties.
- c. Any lots with ALLEYS, except for the Detached Frontage, shall have full cut-off lighting fixtures. These fixtures shall illuminate the ALLEY, be between 9 and 16 feet in height, and not cause glare in adjacent lots.
- d. Flood or up-lighting shall not be used to illuminate private building walls or features; except that flood or up-lighting may be permitted on public or private CIVIC BUILDINGS, historic buildings, or monuments to highlight architectural features (such as church steeples or courthouse domes).
- e. Any accent lighting on private structures (except those identified in *Item d.*, above) shall be full cut-off.
- f. Site lighting shall be of a design and height and be located so as to illuminate only the lot. An exterior lighting plan shall be approved as consistent with these standards by the Planning and Community Development Staff.
- g. All illumination of signs and buildings shall be by constant light—flashing, traveling, animated, or intermittent lighting shall not be mounted on the exterior of any building, whether such lighting is temporary or permanent.
- h. Lighting for parking garages shall consider general Crime Prevention Through Environmental Design (CPTED) standards and guidelines.



Neon sign within shopfront window

2. Mechanical Equipment Standards

Mechanical equipment is generally any Heating, Ventilation and Air Conditioning (HVAC) or electrical machinery but also includes air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and similar elements. These elements should not be located in any public areas or be CLEARLY VISIBLE FROM THE STREET-SPACE. Mechanical equipment should not detract or interfere with the pedestrian space or block the sight

¹ Note: Need to incorporate the preferred OG&E specifications for street light standards here.

triangle. Water storage tanks above 100 gallons must be enclosed on at least two sides by the main structure.

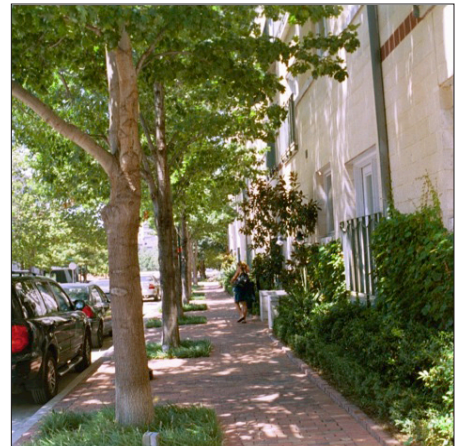
- a. Ground level equipment shall be placed behind and away from any REQUIRED BUILDING LINE, may not be stored or located within any STREET-SPACE, and shall be screened, i.e. not be CLEARLY VISIBLE FROM THE STREET-SPACE. Screening may be achieved by an approved STREET WALL or by placement behind the building or part thereof. These standards apply to: air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and similar equipment.
- b. Roof mounted equipment shall be placed behind and away from any REQUIRED BUILDING LINE and be screened from view from the STREET-SPACE.
 - (i) For pitched roofs, the equipment shall not be located on the roof pitch on the STREET-SPACE side.
 - (ii) For flat and/or parapet roofs, the screening shall be no more than 5 feet in height or the equipment shall be located farther than 20 feet from the REQUIRED BUILDING LINE.

403. Urban General Frontage

ILLUSTRATIONS AND INTENT

Note: These are provided as illustrations of intent. The illustrations and statements on this page are advisory only and do not have the power of law. Refer to the standards on the following pages for the specific prescriptions and restrictions of this Building Form Standard. Where these photos or statements may be inconsistent with the regulations, the regulations prevail.

Urban General is the basic urban STREET FRONTAGE, once common across the United States. The purpose of this frontage is to develop multi-story buildings with three or more DWELLING UNITS within a single structure or ATTACHED STRUCTURES and/or mixed-use placed directly at the sidewalk or behind small DOORYARDS, and with one or more entrances and windows across the FACADE. The uses range from commercial to residential, municipal to retail and restaurants— and combinations of all of the above. There could be several buildings lined up shoulder to shoulder, filling out a BLOCK, or on smaller BLOCKS, a single building might fill the BLOCK face. This frontage is designated in the most intense areas of the Center City District and it is anticipated that there will be significant pedestrian traffic along these BLOCKS.



HEIGHT

Building Height

1. The building shall be at least 2 STORIES in height at the REQUIRED BUILDING LINE (RBL)
2. Properties with C-3 zoning at the time of CCFBC adoption are exempt from maximum building height limitations. (See *Sec. 302.A. Center City Visioning Map* for applicable parcels.)
3. In all other locations, the maximum height of buildings shall conform with the maximum height requirements identified by the *302.C. Center City Maximum Building Height Map*.

Where designated on the REGULATING PLAN, the 5th STORY FACADE shall be stepped back at least 10 feet behind the RBL and no ATTIC STORY is permitted above it.

Ground Story Height

1. COMMERCE, RETAIL and CIVIC uses
(See also *Urban Storefront Standards on page 32.*)
 - a. The GROUND STORY finished floor elevation shall be:
 - i. no lower than the average fronting exterior sidewalk elevation;
 - ii. no higher than 18 inches above the average fronting public sidewalk elevation.
 - b. The GROUND STORY shall have a CLEAR HEIGHT of at least 12 feet along the RBL for a minimum depth of 25 feet.
2. Residential Units with RBL frontage
 - a. The GROUND STORY shall have a CLEAR HEIGHT of at least 9 feet.

Upper Story Height

The minimum CLEAR HEIGHT for each upper STORY is 9 feet.

SITING

Façade

1. On each lot the building FAÇADE shall be built to the REQUIRED BUILDING LINE for 100% of the RBL length.
2. Within 8 feet of the BLOCK CORNER, the GROUND STORY FAÇADE may be chamfered to form a corner entry.
3. On CORNER LOTS, the 100% RBL requirement shall only apply to the addressed STREET FRONTAGE, and the RBL requirement for the non-addressed STREET FRONTAGE shall be 65%.

Buildable Area

1. The BUILDABLE AREA is delineated as anywhere behind the RBL.
2. A PRIVATE OPEN AREA equal to at least 15% of the total BUILDABLE AREA shall be preserved on every lot. Up to 67% of the required PRIVATE OPEN AREA may be satisfied through the BALCONIES of individual units. At least 33% of the PRIVATE OPEN AREA shall comprise no more than two separate contiguous areas, as follows:
 - a. Where located at grade, such PRIVATE OPEN AREA may be located anywhere behind the PARKING SETBACK LINE, but not within any required side or rear setbacks.
 - b. Where provided above the GROUND STORY but below a

- building's highest roof level, the PRIVATE OPEN AREA may be located forward of the PARKING SETBACK LINE (such as in a raised courtyard configuration) and shall open onto no more than one STREET-SPACE and shall be set back at least 30 feet from any BLOCK CORNER or BUILDING CORNER.
- c. Where located on the building's highest roof level, the PRIVATE OPEN AREA may be located anywhere on the roof.
3. A fee in lieu of the 15% minimum Private Open Area may be paid subject to approval by the Parks Board on a square footage basis of \$2.00 per square foot of the 15% Private Open Area. This fee shall be used for Public Open Space improvements within or adjacent to the City Center Area (such as Andrews Park or Legacy Trail).

Garage and Parking

Openings in any RBL for parking garage entries shall have a maximum CLEAR HEIGHT no greater than 16 feet and a clear width no greater than 22 feet.

ELEMENTS

Fenestration

1. Blank lengths of wall exceeding 20 linear feet are prohibited on all REQUIRED BUILDING LINES (RBL), and other fronting exterior walls, provided the walls are not within 3 feet of the property line.
2. GROUND STORY FENESTRATION shall comprise between 33% and 70% of the GROUND STORY FAÇADES, and other fronting exterior walls, provided they are not within 5 feet of the property line.
3. Upper STORY FENESTRATION shall comprise between 20% and 70% of the FAÇADE, and other fronting exterior wall area per STORY provided they are not within 5 feet of the property line. UPPER STORY FENESTRATION shall comprise between 10% and 70% of the upper story fronting exterior walls that are 3-5 feet from the property line.

Building Projections

1. AWNINGS shall project:
 - a. a minimum of 4 feet from the FAÇADE
2. AWNINGS may have supporting posts at their outer edge provided that they:
 - a. Have a minimum of 8 feet clear width between the FAÇADE and the AWNING support posts or columns, and
 - b. Provide a continuous walking path at least 5 feet wide within that clear width, running parallel to the AWNING posts/ columns.

Street Walls

1. One access gate no wider than 22 feet and one pedestrian entry gate no wider than 5 feet shall be permitted within any required STREET WALL.
2. A STREET WALL not less than 5 feet in height or greater than 12 feet in height shall be required along any RBL frontage that is not otherwise occupied by a building on the lot.

USE SPECIFICS

Ground Story

The GROUND STORY may house commerce, professional services, or residential uses. See height specifications above for specific requirements unique to each use.

Upper Stories

1. 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, except that restaurant uses are allowed on the roof level of Urban Storefront frontages.
2. No COMMERCE use, except for permitted rooftop restaurants, is permitted above a RESIDENTIAL use.
3. Additional habitable space is permitted within the roof where the roof is configured as an ATTIC STORY.

USE TABLE

The use table identifies the uses allowed in the Urban General BFS.

RESIDENTIAL DWELLING UNITS

Unit Minimums

No parcel containing a residential use shall contain less DWELLING UNITS than the number of stories allowed, as identified on the BFS Height Map minus one (1). Parcels without a building height limit containing a residential use shall have at least five (5) units. There is no maximum unit

requirement. Ground story commercial units shall count toward the residential dwelling unit minimum. All DWELLING UNITS on a parcel shall be contained within a single structure or set of ATTACHED STRUCTURES.

BUILDING CONSTRUCTION

Construction Codes

1. All structures building in the Urban General BFS shall be constructed in compliance with construction codes as follows:
 - b. The GROUND STORY shall be constructed to regulations of the Building Code as adopted in Section 6-201 of the Code of the City of Norman regardless of use.
 - c. All GROUND STORY construction shall be built to meet the most restrictive requirements of the following Use and Occupancy Classifications described in the Building Code: Assembly Group A, Business Group B, and Mercantile Group M.
2. All functioning entry doors for structures built in the Urban General BFS, including corner entries, shall be recessed so that the exterior landing at the door required by the Building Code, would not extend past the RBL.

| 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

URBAN RESIDENTIAL FRONTAGE DISTINCTIONS

All requirements in the Urban General BFS shall apply to the Urban Residential BFS with exception to the following:

1. The finished floor elevation shall be no less than 14 inches and no more than 8 feet above the average exterior public sidewalk elevation at the RBL.
2. The PRIVATE OPEN AREA is permitted anywhere behind the RBL pursuant to applicable FACADE requirements.
3. On each lot, the FACADE shall be built to:
 - a. the RBL for 100% for at least 12' in depth of the RBL length, or
 - b. the RBL for at least 70% for at least 12' in depth of the RBL length, provided PRIVATE OPEN AREA fronts the RBL and is enclosed on all other sides by a structure in a courtyard configuration.
 - i. Only one frontage-facing courtyard shall be allowed per every 50 feet of RBL frontage.
 - ii. Each wing of the structure surrounding the courtyard shall have a minimum width of 30% of the RBL length.
4. A STREET WALL not less than 4 feet or greater than 8 feet in height shall be required along any RBL frontage that is not otherwise occupied by a FACADE or PRIVATE OPEN AREA.

Live-Work Option

Once LIVE-WORK is designated on the REGULATING PLAN, these Urban General BFS standards shall apply, except that the GROUND STORY may be configured at grade, as a SHOPFRONT. (See 404. Urban Storefront for specific requirements and Part 7. Building Functions for restrictions on uses.)

RESIDENTIAL DWELLING UNITS

Unit Minimums

For parcels designated as Urban Residential south of Duffy Street, there shall be no residential DWELLING UNIT minimum. For all other parcels designated as Urban Residential, there shall be a residential DWELLING UNIT minimum of three (3) units. There is no maximum unit requirement. All DWELLING UNITS on a parcel shall be contained within a single structure or set of ATTACHED STRUCTURES. (See Center City Unit Minimum Map on page 18.)

USE TABLE

The use table identifies the uses allowed in the Urban Residential BFS.

| USE CATEGORY | | Urban Residential | | 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

404. Urban Storefront Frontage

ILLUSTRATIONS AND INTENT

The 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.



These photos are provided as illustrations of intent. They are advisory only and do not have the power of law. Refer to the standards below and on the previous pages for the specific prescriptions and restrictions of this Building Form Standard. Where these photos or statements may be inconsistent with the regulations, the regulations prevail.

Where Urban Storefront BFS is designated on the REGULATING PLAN, the Urban General BFS standards (previous pages) shall apply, except that the GROUND STORY configuration shall be for RETAIL—that of a SHOPFRONT.

- a. GROUND STORY uses are limited to RETAIL SALES or SERVICE, or PROFESSIONAL SERVICE within the first 20 feet behind the RBL.
- b. The minimum GROUND STORY CLEAR HEIGHT is 15 feet.
- c. The GROUND STORY FENESTRATION shall comprise between 50% and 90% of the GROUND STORY FAÇADE.
- d. Single panes of glass shall not be permitted larger than 10 feet in height by 6 feet in width.
- e. GROUND STORY windows may not be made opaque by window treatments or tinting (except operable sunscreen devices within the conditioned space). A minimum of 75% of the window surface shall allow a view into the building interior for a depth of at least 15 feet.
- f. SHOPFRONTS may extend up to 24 inches beyond the FAÇADE or RBL into the DOORYARD, but may not project into the CLEAR WALKWAY.
- g. For all parcels designated as Urban Storefront, there shall be a residential DWELLING UNIT minimum of three (3) units. GROUND STORY commercial units shall count toward the residential dwelling unit minimum.

405. Detached Frontage

ILLUSTRATIONS AND INTENT

Note: These photos and statements are provided as illustrations of intent and are advisory only. They do not have the power of law. Refer to the standards on the following pages for the specific prescriptions and restrictions of the Detached Building form standard. Where these photos or statements may be inconsistent with the regulations, the regulations prevail.

The Detached BFS Frontage is represented by the traditional one DWELLING UNIT structure with small front, side, and rear yards along a tree-lined street. Structures are 1 to 2 stories in height with pitched roofs and front porches. Its purpose is to protect the character of existing single family neighborhoods.



Detached

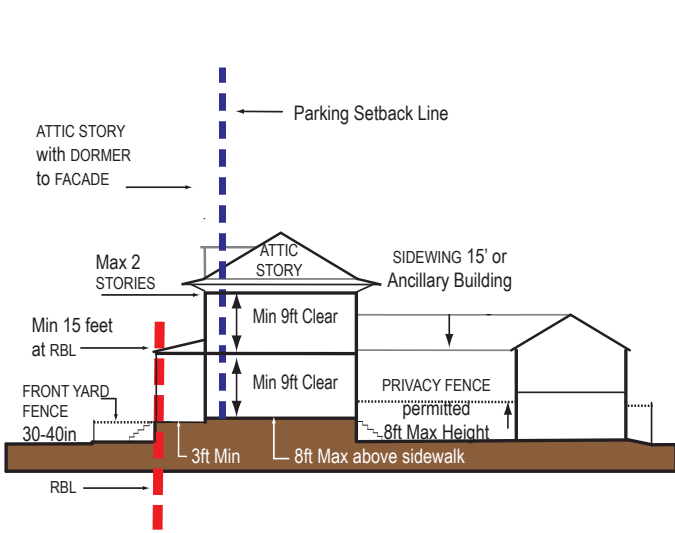


Diagram 405.a: Height

HEIGHT

Building Height

1. Each building shall be at least 15 feet at the REQUIRED BUILDING LINE (RBL), but no greater than 2 STORIES or 27 feet in height.
2. A SIDEWING shall be no higher than 15 feet.
3. Any ancillary structure in the BUILDABLE AREA at the rear of the lot shall be no higher than the principal structure on the lot.

Ground Story Height

1. The finished floor elevation shall be no less than 3 feet and no more than 8 feet above the average exterior sidewalk elevation at the RBL.
2. The GROUND STORY shall have an interior CLEAR HEIGHT of at least 9 feet.

Upper Story Height

Each upper STORY shall have an interior CLEAR HEIGHT of at least 9 feet.

Front Yard Fence

Any FRONT YARD FENCE has a minimum height of 30 inches and a maximum height of 40 inches.

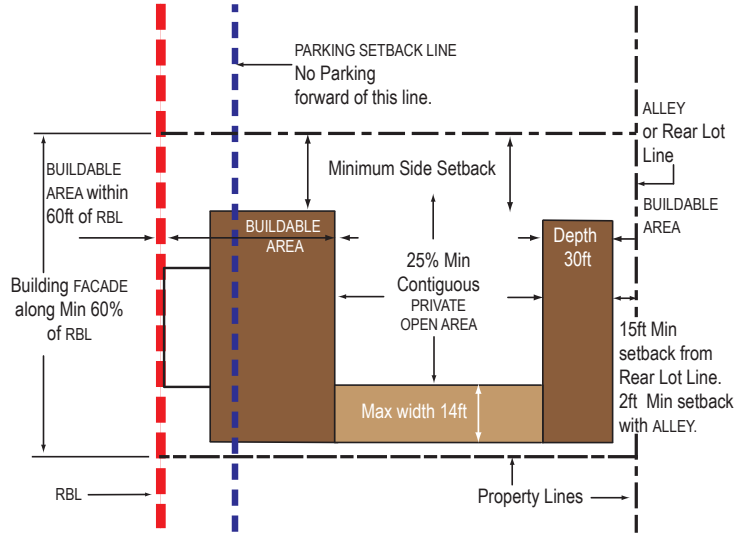


Diagram 405.b: Siting

SITING

Façade

1. On each lot the FAÇADE shall be built parallel to the REQUIRED BUILDING LINE (RBL) for at least 60% of the building width. The FRONT PORCH shall be built-to the RBL.
2. For CORNER LOTS the minimum 60% build-to shall include the STREET FRONTAGE within 20 feet of the BLOCK CORNER.

Buildable Area

1. The BUILDABLE AREA is as defined in *Diagram 405.b.* above.
2. A contiguous PRIVATE OPEN AREA equal to at least 25% of the total BUILDABLE AREA shall be preserved on every lot. Such contiguous area shall be located at grade, anywhere behind the PARKING SETBACK LINE and not include any side or rear setbacks.

Lot Size and Setbacks

1. All lots of record are buildable under this code.
2. Newly subdivided lots shall have a minimum width at the RBL of 32 feet, a maximum width of 55 feet, and a minimum depth of 85 feet.
3. The minimum side lot setbacks are 5 feet or as otherwise designated on the REGULATING PLAN.
4. FRONT YARD setbacks: DEVELOPMENT and REDEVELOPMENT, may construct at the setback of the existing structure or follow an existing setback on an adjacent/neighbor property in the Detached Frontage BFS only.

Front Yard

The FRONT YARD/DOORYARD shall not be paved except for walkways.

Garages, Parking and Alleys

1. Garage doors shall not be located on the RBL/FAÇADE.
2. There is a 2 foot required setback from ALLEYS.

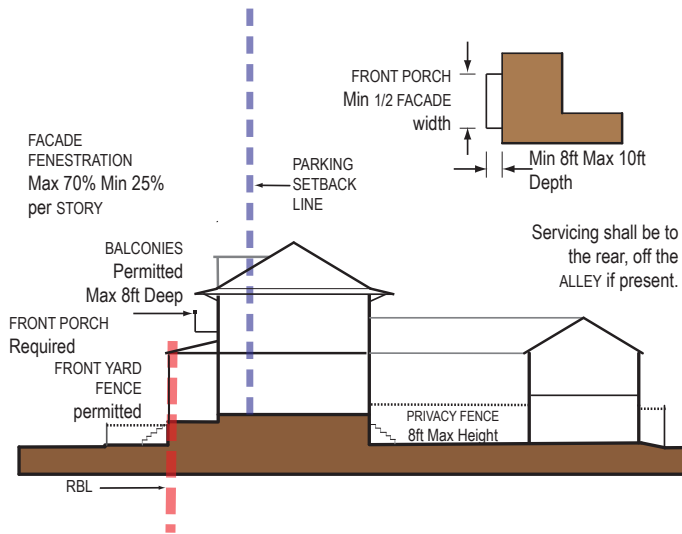


Diagram 405.c: Elements

ELEMENTS

Fenestration

1. Blank lengths of wall exceeding 15 linear feet are prohibited on all FAÇADES.
2. FENESTRATION shall comprise at least 25%, but not more than 70%, of all FAÇADES.

Building Projections

1. Each building FAÇADE shall include a FRONT PORCH at the RBL, between 8 feet and 10 feet deep with a width not less than 1/2 of the FAÇADE width.
2. No part of any building except the FRONT PORCH roof (overhanging eaves) and steps may encroach beyond the RBL into the DOORYARD.

Doors/Entries

At least one functioning entry door shall be provided along the GROUND STORY FAÇADE. (Applies to STREET FRONTAGE, same as street address.)

Street Walls and Fences

1. There is no STREET WALL requirement.
2. Any FRONT YARD FENCE shall be within one foot of the CLEAR WALKWAY/DOORYARD line parallel to the RBL and along COMMON LOT LINES to a point at least even with the FAÇADE.
3. A PRIVACY FENCE may be constructed along a COMMON LOT LINE behind the FAÇADE.

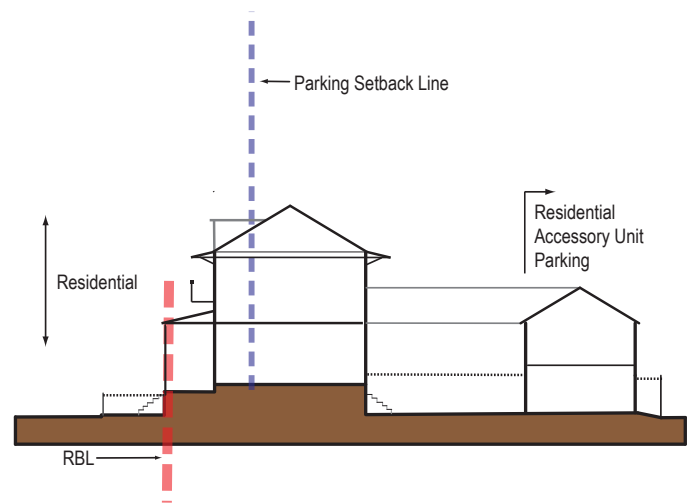


Diagram 405.d: Use

USE

All Stories

1. Only RESIDENTIAL uses are permitted - one DWELLING UNIT or one DWELLING UNIT with an ACCESSORY UNIT allowed.
2. Additional habitable space is permitted within the roof where the roof is configured as an ATTIC STORY.

Accessory Uses

Parking and ACCESSORY UNIT (maximum 650 square feet) uses are permitted in the BUILDABLE AREA at the rear of the lot.

Part 5. Urban Space Standards

501. Applicability

- A. The Urban Space Standards apply to new DEVELOPMENT and REDEVELOPMENT as well as the reconstruction of existing streets and other public (and publicly accessible) spaces.
- B. The Urban Space Standards establish the rules and standards for the complete STREET-SPACE (especially streets and sidewalks).

502. Intent

- A. Although commonly thought of as just parks or greens, the urban space (or public realm) is much more; it includes the complete STREET-SPACE—the public domain between the building FAÇADES; the travel lanes between the curbs as well as the sidewalks; public plazas as well as urban squares and CIVIC GREENS.
- B. The Urban Space Standards have the following goals:
 1. To establish an environment that encourages and facilitates pedestrian activity. “Walkable” streets are comfortable, efficient, safe, and interesting.
 2. To ensure the coherence of the STREET-SPACE, serving to assist residents, building owners, and managers with understanding the relationship between the STREET-SPACE and their own properties.
 3. To contribute to ultimate sustainability. Native (and non-native adapted) trees and plants contribute to privacy, the reduction of noise and air pollution, shade, maintenance of the natural habitat, conservation of water, and storm-water management.
- C. Property frontages and building FAÇADES are part of the public realm, literally forming the walls of the public STREET-SPACE and are therefore subject to more regulation than the other portions of the private property.
- D. The private, interior portions of the lots (toward the ALLEY or rear lot lines) are much less regulated to allow commercial operators to utilize these spaces as efficient working environments unseen by the public and allow residents to have private (semi-private for apartment and condominium dwellers) gardens and courtyards.

503. Street Type Specifications

The Street Type Specifications illustrate the recommended typical configurations for STREET-SPACES within the Center City Form District. The plans and sections specify ideal vehicular travel lane widths, curb radii, sidewalks, tree planting areas, and on-street parking configurations. They also provide a COMPARATIVE PEDESTRIAN CROSSING time as a gauge of relative pedestrian crossing-comfort between the various street types. The streets within the CC Form District must work in conjunction with the Building Form Standards to create the type of walkable, mixed-use place envisioned by the community.

A. Intent and Principles

1. General Intent

- a. Streets are a community's first and foremost public spaces and should be just as carefully designed and planned as any park or public building. The character of the STREET-SPACE—both its scale and its details—determines the pedestrian quality of a given location.
- b. Streets must balance the needs of all forms of traffic—auto, transit, bicycle and pedestrian—to maximize mobility and convenience for all residents and users. Their character will vary depending on their location: some streets will carry a large volume of traffic and provide a more active and intense urban pedestrian experience while others will provide a less active and more intimately scaled STREET-SPACE.
- c. These are city streets—not highways or roads—and must be developed as such to create people-oriented places balancing all transportation modes. The neighborhood streets are designed primarily for walkability and pedestrian comfort, with automobile movement as a secondary focus. The Main, Gray and Boyd specifications grant more to the free movements of vehicles, while maintaining fair walkability.

2. Principles

- a. The appropriate design of streets is one of the most important design elements for *Center City place-making*.
- b. To design for continuous free-flowing vehicle traffic creates situations where vehicles will travel at speeds greater than desirable for pedestrians.
- c. With appropriate design, drivers will choose slower speeds and less aggressive behavior, a feat typically not achieved through basic speed limit signage/postings.
- d. Scale is a threshold design consideration for street design elements (from signage to crossing distances)—in a neighborhood, town or city it should be that of the pedestrian.
- e. An interconnected street network allows traffic capacity to be diffused and maintained across numerous streets.
- f. Emergency vehicle access must be maintained, but with an interconnected street network, there will always be at least two routes of access to any lot or parcel.

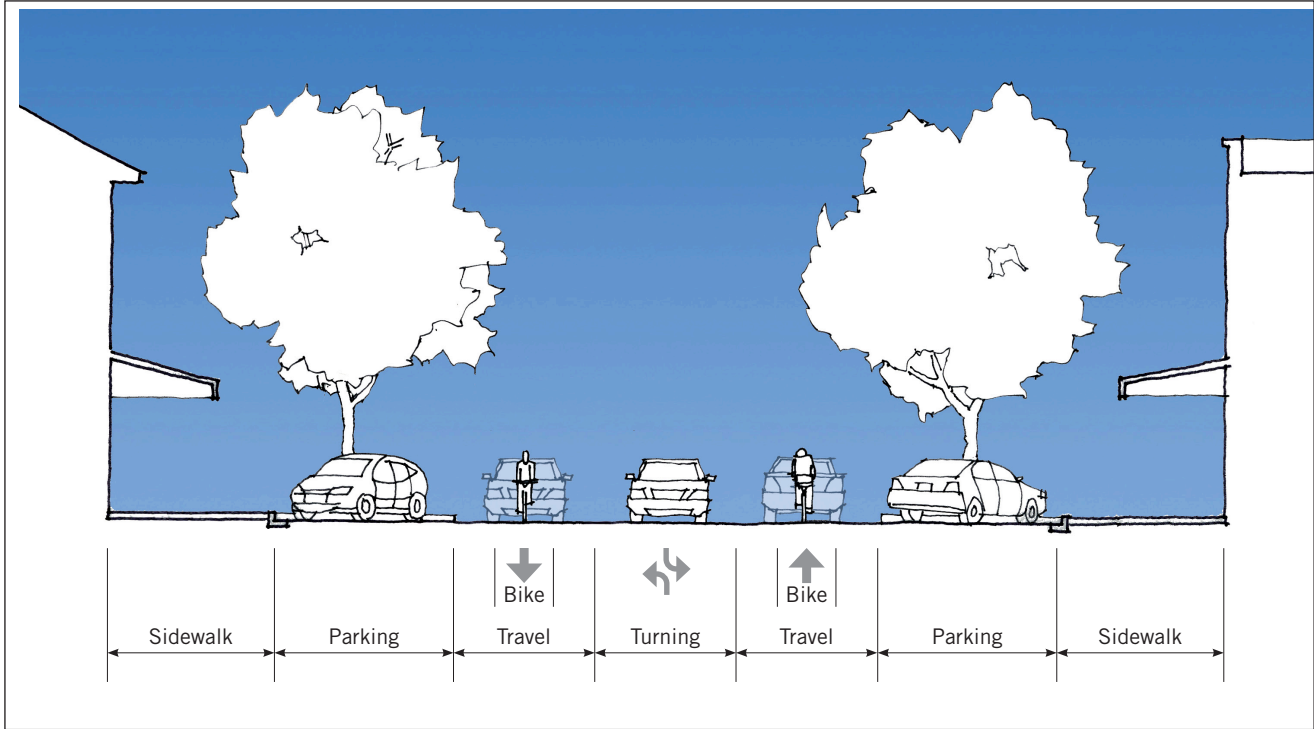
- g. Differences between “requirements” and “preferences” can be significant—increased lane width and the accompanying increased vehicle speed more often than not decrease the overall safety for pedestrians.
- h. On-street parking slows passing vehicular traffic and acts as a buffer between moving vehicles and pedestrians. City staff will review and approve on-street parking design on a case-by-case basis depending on the street classification.
- i. Overall function, comfort, safety and aesthetics of a street are more important than automobile efficiency alone.
- j. In a pedestrian-oriented area, non-vehicular traffic should be provided with every practical advantage so long as safety is not adversely affected.
- k. Street design should take into consideration what is reasonably foreseeable, not every situation that is conceivably possible.
- l. Designing a street to facilitate (rather than accommodate) infrequent users may actually result in the wrong design for the frequent users of the STREET-SPACE.
- m. When the street design creates a conflict between the vehicular and non-vehicular user, it should be resolved in favor of the non-vehicular user unless public safety will be truly jeopardized by the resolution.

B. Street Types

1. These are the proposed street types and ideal configurations within the CC Form District. The numbers refer to dimensions within the STREET-SPACE. The first number¹ is the literal STREET-SPACE (the distance between FAÇADES across the street) and the second is the distance to the back-of-curb (includes travel lanes, any on-street parking, and curb and gutter).
 - a. Main Street: MS-98/43
 - b. Boyd Street: ST-88/43
 - c. Neighborhood Street: ST-80+/38
 - d. Neighborhood Street: ST-66+/38
 - e. Alley: A-24
 See *Diagrams 503.B.1.a.-e.* on the following pages.
2. On Main Street: MS - 98/43 specification, sharrows, clearly marked shared bicycle and automobile lanes are shown. On Boyd Street: ST - 88/43 specification, dedicated bike lanes are shown. The other street types are configured such that in-lane bicycle travel is encouraged and appropriate.
3. DOORYARDS and ALLEYS are generally reserved for utility easements.

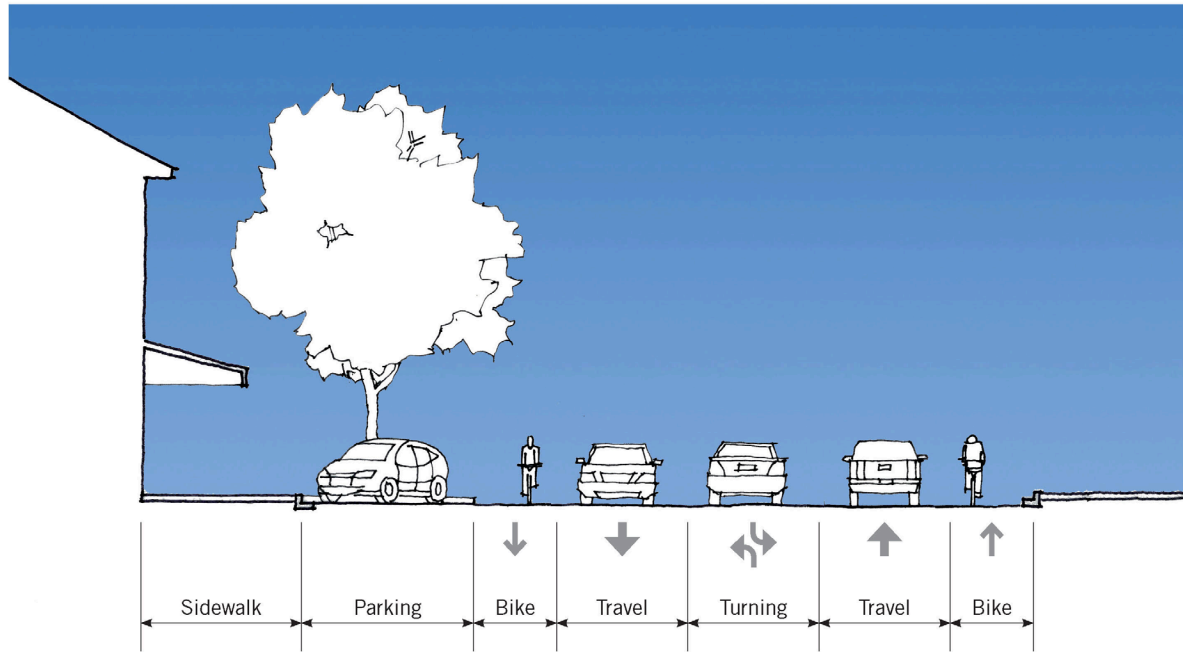
¹ Note: Due to the fact that the existing rights-of-way within the CC Form District vary dramatically, the first number for the Neighborhood Streets includes a plus (+) sign. The distance above the base number (either 80 or 66) is typically added to the front yard or dooryard space in the Neighborhood Street Type diagrams on the following pages.

Diagram 503.B.1.a: Main Street: MS-98/43



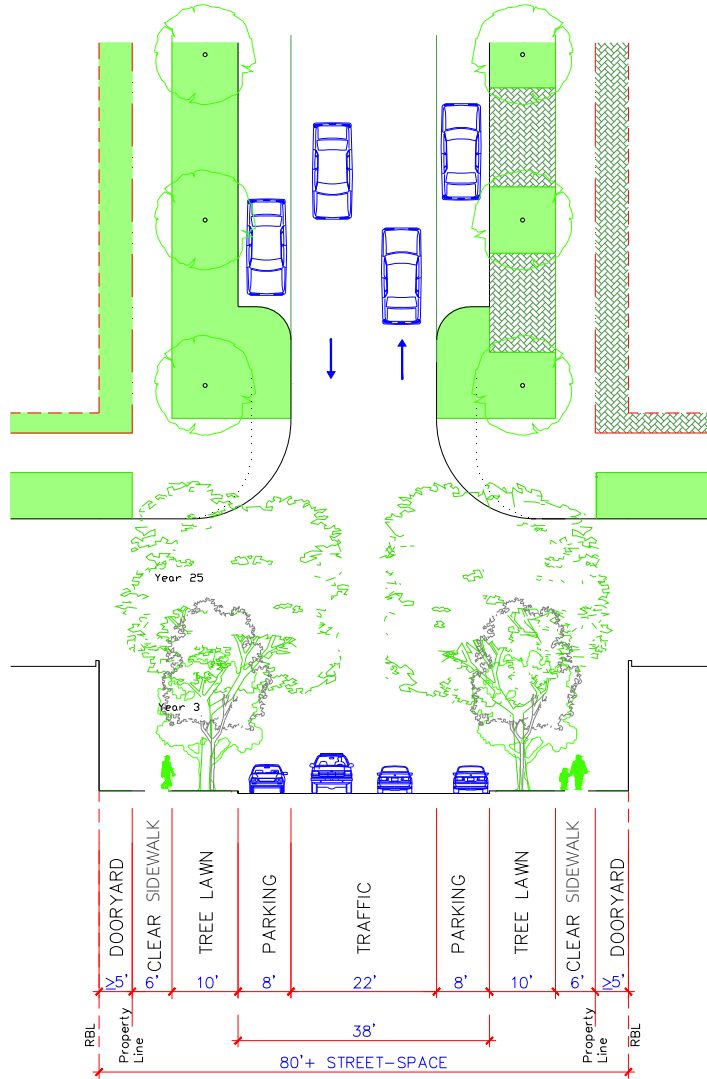
Note: Illustration is advisory only

Diagram 503.B.1.b: Boyd Street: ST-88/43



Note: Illustration is advisory only

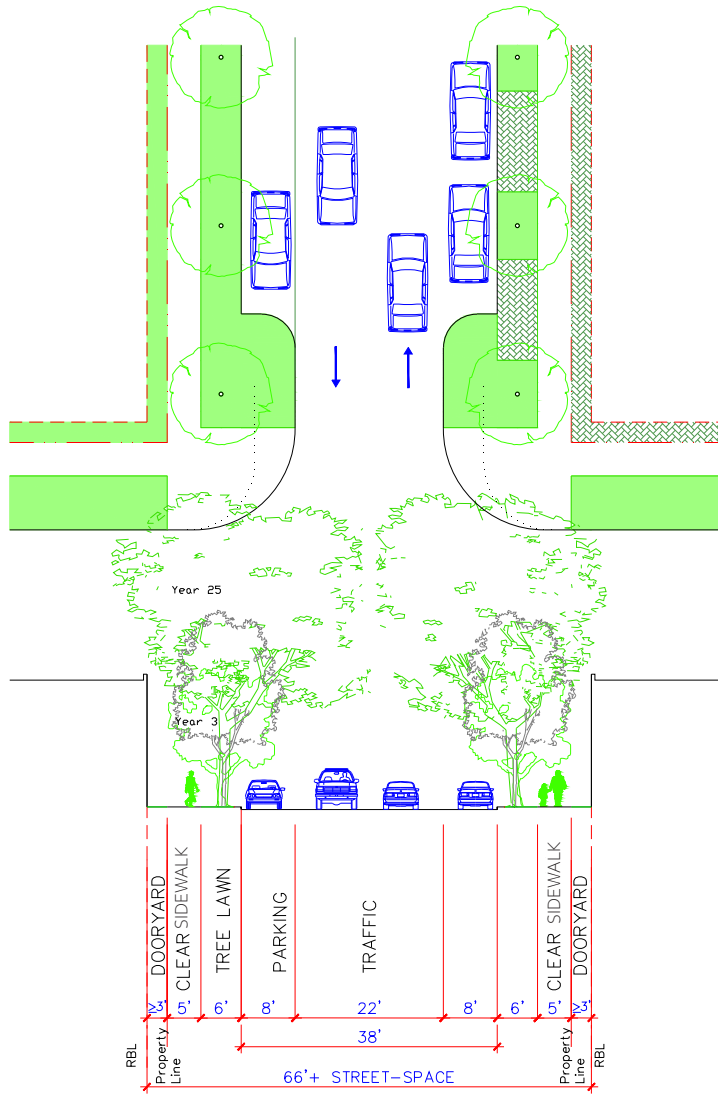
Neighborhood ST 80+/38



| | |
|--------------------------------------|--------------------------------------------------------|
| STREET-SPACE | 80', per RBL |
| Traffic Lanes | 11' |
| TREE LAWN | 10' |
| Clear Sidewalk | 6' |
| DOORYARD | see Regulating Plan, 5'typ.min. street |
| movement | Free |
| design & posted speed | 20-25 mph |
| on street parking | Both Sides, Striped |
| Right of Way | 70' (varies) |
| pavement width | 38' |
| curb type | vertical |
| curb radius | 20' with curb extensions 10' w/o |
| planting | Street Trees Max Avg 30'ctc |
| comparative pedestrian crossing time | 5.9 seconds w/curb extensions. 10.2 seconds without |

Note: Illustration is advisory only

Neighborhood ST 66+/38

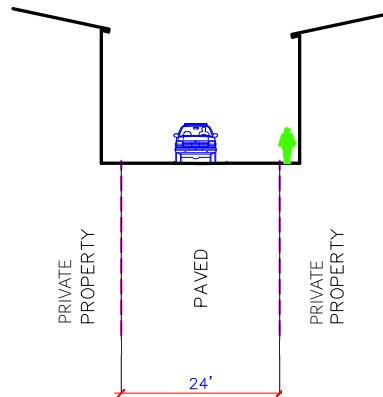
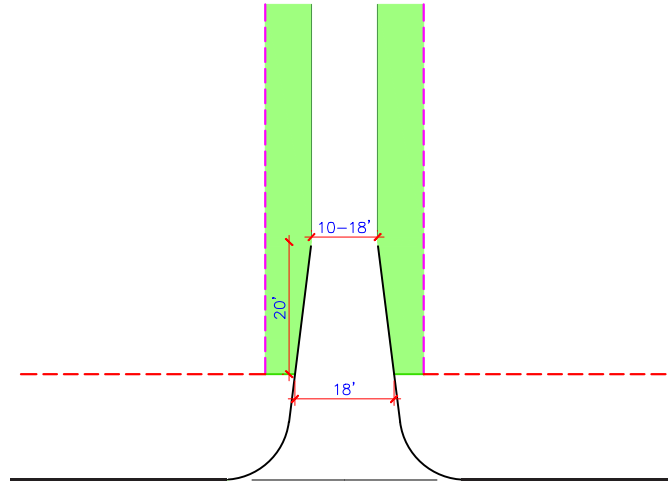


| | |
|--------------------------------------|--------------------------------------------------------|
| STREET-SPACE | 66', per RBL |
| Traffic Lanes | 11' |
| TREE LAWN | 6' |
| Clear Sidewalk | 5' |
| DOORYARD | see Regulating Plan, 3'typ.min. |
| type | street |
| movement | Free |
| design & posted speed | 20-25 mph |
| traffic function | two way |
| on street parking | Both Sides, Striped |
| Right of Way | 60' (varies) |
| pavement width | 38' |
| curb type | vertical |
| curb radius | 20' with curb extensions 10' w/o |
| planting | Street Trees Max Avg 30'ctc |
| comparative pedestrian crossing time | 5.9 seconds w/curb extensions. 10.2 seconds without |

Note: Illustration is advisory only

Diagram 503.B.1.e: Alley: A-24

Alley A-24



| | |
|---------------------------------|--------------------------|
| ROW or Easement | 24' |
| type | alley |
| movement | Slow |
| design speed | 5-10 mph |
| traffic function | two way- Yield Situation |
| pavement width | 10'-18' |
| curb type | vertical, at Entry Only |
| curb radius | 10-15" |
| comparative pedestrian crossing | 4.3 seconds |

Note: Illustration is advisory only

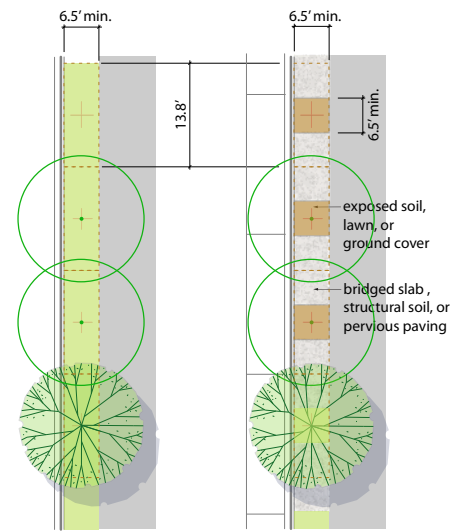
504. Streetscape Standards

A. General Provisions

1. All plant material (including trees) shall pass any inspections required under State regulations.
2. All turf grass shall be solidly sodded at installation—not seeded, sprigged, or plugged. Vegetative groundcovers may be used in place of turf grass.
3. In addition to the lot, the owner must maintain the following areas:
 - a. The portion of the STREET-SPACE between their RBL and the back of the curb.
 - b. The portion of the ALLEY between the lot line and the edge of the ALLEY pavement.
4. Mechanical and electrical equipment including, but not limited to, air compressors, pumps, exterior water heaters, water softeners, private garbage cans (not including public sidewalk waste bins), and storage tanks may not be stored or located within any STREET-SPACE. (Water pumps for public fountains or irrigation not visible are not included in this prohibition. Temporary placement of private garbage cans within the STREET-SPACE may be allowed to accommodate scheduled pick-up.)

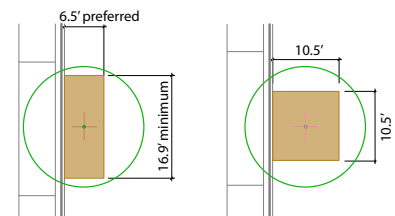
B. Street Trees

1. Each STREET-SPACE must have STREET TREES planted along the STREET TREE ALIGNMENT LINE (generally 3 to 3½ feet from the back of the curb unless otherwise specified in the REGULATING PLAN or Street Type Specification) at an average spacing not greater than 30 feet on center (calculated per BLOCK FACE). Where necessary, spacing allowances may be made to accommodate curb cuts, fire hydrants and other infrastructure elements; however, in no location may STREET TREE spacing exceed 45 feet on center except where necessary for transit stops or stations. Required STREET TREE planting area configurations are specified in the Street Type Specifications and below.
2. Required tree planting area minimum specifications are as follows:
 - a. STREET TREE planting areas shall be at grade or not greater than six inches in height above or below the sidewalk
 - (i) Soil surface area shall not be less than 110 square feet per isolated tree or 90 square feet per tree for connected (TREE LAWN) situations. (See *Illustrations 504.B.2(i) and (ii).*)
 - (ii) No dimension of the soil surface area may be less than 6 feet unless otherwise specified in this Code.
 - (iii) The Street Type Specifications above are configured for street tree trenches. The above requirements may be met through the use of bridged slab, structural soil, or other techniques that clearly exceed these standards in the fostering of vital and long-lived STREET TREES.



90 square feet minimum per tree

Continuous Tree Lawn Continuous Soil Area
504.B.2(i) Connected Situation



110 square feet minimum per tree

Individual Tree Planting
504.B.2(ii) Isolated Tree Situation

- b. At planting, STREET TREES shall be at least 2.5 inches in diameter at designated breast height (DBH) and at least ten feet in overall height. Species must be selected from the STREET TREE LIST (see Tree Lists). Consult with the designated City staff for the designated tree species for a particular STREET-SPACE.
- c. Any unpaved ground area shall be planted with groundcover, flowering vegetation, or climbing vines, not to exceed 12 inches in height. STREET TREES must be “limbed up” as they gain appropriate maturity so as to not interfere with pedestrian or truck travel (minimum 7 feet clear over the sidewalk and 14 feet over any travel lanes) and to maintain visibility.

C. Streetscape Elements

1. At the time of DEVELOPMENT, the developer is required to install sidewalks, as illustrated in Street Type Specifications, on the side of the STREET-SPACE being developed.
2. Sidewalks not otherwise designated in the REGULATING PLAN or Street Type Specifications shall be a minimum of six feet wide and be constructed to meet all City (and ADA) standards and specifications.
3. Street furniture is an element of the overall STREET-SPACE design—not an afterthought. Street furnishings should be simple, functional, and durable.

D. On-Street Parking

1. On-street parking spaces shall count towards parking requirements. (See *Section 603.C.*)
2. The parking space/tree planting pattern may be interrupted by existing or new driveways designated in the REGULATING PLAN, streets, and ALLEYS, but the requirements in B.1 above shall be met, except where necessary for any transit stops or stations.
3. Parking spaces must be constructed in a manner that allows proper drainage (generally a “w” profile, having a gutter pan between the travel and parking lanes).
4. Where required, bicycle parking shall be provided on the same lot as the DEVELOPMENT. (See *Appendix C* for additional requirements.)
 - a. For residential lots containing more than three DWELLING UNITS on the same lot, there shall be one bicycle parking space provided for the first eight (8) car parking spaces, and one bicycle space for each ten (10) car spaces provided thereafter. Single family, two-family, and three-family units on the same lot are exempt from the requirement to provide bicycle parking facilities.
 - b. For other non-residential uses, there shall be one bicycle parking space provided for any parking area containing at least eight car spaces, and one additional bicycle space for each twenty (20) car spaces thereafter.

5. On-street parking shall comply with applicable ordinances regarding distance to intersections, stop signs, and other street elements.

505. Plazas, Squares and Civic Greens

A. Intent

1. These standards apply to those spaces that are either publicly owned or publicly accessible, as designated on the REGULATING PLAN.
2. SQUARES, CIVIC GREENS and plazas should be situated at prominent locations. The green plants and trees of SQUARES and CIVIC GREENS provide a landscape and civic architecture that complement the surrounding private building architecture.
3. SQUARES are active pedestrian centers. CIVIC GREENS are spaces intended for less intensive foot traffic. Surface treatment is regulated accordingly.
4. Pervious paving materials (to allow oxygen for tree roots and absorb stormwater run-off) are encouraged in both SQUARES and CIVIC GREENS, and the percentage of impervious paving material is limited. Pervious paving materials must be approved by the Public Works Department. (see 505.C. *Materials and Configurations* below.)

B. Standards

SQUARES and CIVIC GREENS must be designed, planted and maintained according to the following requirements:

1. SQUARES and CIVIC GREENS shall have at least 60 percent of their perimeter fronting public rights-of-way. Both shall be surrounded by STREET TREES. Their dimensions shall be no narrower than a 1:5 ratio and no SQUARE or CIVIC GREEN width or breadth dimension shall be less than 25 feet.
2. Appropriate to their high (pedestrian) traffic level SQUARES must be designed with a higher percentage of paved surface area. (see C.2 below)
3. A clear view through the SQUARE or CIVIC GREEN (from two to seven feet in height) is required, both for safety and urban design purposes.
4. SQUARES and CIVIC GREENS shall not include active recreation structures such as ball fields and courts.

C. Materials and Configurations

1. General

- a. STREET TREES shall be planted along the alignment shown in the street type specification, and in accordance with *Section. 504, B. Street Trees*. They may (generally will) be of a different species than the connecting streets.
- b. The ground surface level elevation shall be between 0 and 18 inches above the top of the adjacent curb.
- c. The maximum slope across any SQUARE or CIVIC GREEN shall not exceed ten percent.

- d. Except for tree trunks, streetlights, CIVIC USE BUILDINGS, public art or monuments, there shall be a clear view between two and seven feet above grade. The foliage of newly planted trees may intrude into this area until the tree has sufficient growth to allow such a clear trunk height.
- e. Trees within a SQUARE or CIVIC GREEN may also be selected from the public space tree lists (see *Section 506. Tree Lists*).
- f. Asphalt is prohibited within a SQUARE or CIVIC GREEN tract.

2. Squares

Appropriate to their high (pedestrian) traffic level, SQUARES shall incorporate a higher percentage of paved surface area. Surface treatment and materials (within the back-of-curb to back-of-curb area, excluding any CIVIC USE BUILDING, public art or monument footprint) shall be between 20 percent and 35 percent unpaved pervious surface (turf, groundcover, gravel, soil or mulch).

3. Civic Greens

Appropriate to their less intensive character, CIVIC GREENS shall be designed with a lower percentage of paved surface area. Surface treatment and materials (within the area back-of-curb to back-of-curb area excluding any CIVIC USE BUILDING, public art or monument footprint) shall be a minimum 50 percent unpaved pervious surface area (such as turf, groundcover, gravel, soil or mulch).

4. Pedestrian Pathway

The area within a PEDESTRIAN PATHWAY shall be a public access easement or public right of way. The easement width for these pathways must not be less than 20 feet with a paved walkway not less than ten feet wide providing an unobstructed view straight through its entire length, except where otherwise specified on the REGULATING PLAN.

506. Tree Lists

A. General

1. The following lists contain all approved tree species for use in the CC Form District. The lists include native and acceptable adapted species. Other species may be used for planting within a private lot. These lists may be periodically reviewed for disease and climate appropriateness and amended by the City, as necessary.
2. Invasive exotic species may not be used anywhere on private lots or other areas.

B. Street Trees

1. Species in the Street Tree List are for placement as shown in Street Type Specifications, or as specified in the REGULATING PLAN for placement along the STREET TREE ALIGNMENT LINE. The use of alternate species may be permitted, but only if approved by the designated City staff.

2. STREET TREES are part of an overall STREET-SPACE plan designed to provide both canopy and shade and to give special character and coherence to each street. The desired aesthetic must be achieved through the use of native and/or proven hardy adapted species. Appropriate STREET TREE species may change over time and this list may be periodically amended by the designated City staff. Inclusion in this list shall be based on the following criteria:
 - a. Structural – STREET TREES shape and subdivide the STREET-SPACE, increasing pedestrian comfort and adding (literal) value to the street/community. “Canopy Shade Tree” species grow to heights in excess of 60 feet and have a broad canopy—enabling them to clear auto traffic and pedestrians, form a ceiling-like enclosure, and open a clear view of the STREET-SPACE, FAÇADES, and SHOPFRONTS at eye-level.
 - b. Pragmatic – Life as a typically placed street tree is nasty, brutish, and short. Few species are tough enough to survive and grow. Appropriate species have special tolerance to salt and soil compaction. STREET TREE planting techniques and configurations provide a healthy environment in which the tree can thrive—this will ensure that the trees increase their value to the community as they grow.
 - c. Design – Species are planted consistently along a given STREET-SPACE to provide a special form and character. This provides species diversity at the same time it provides a specific street character by planting different STREET-SPACES with different trees.

STREET TREE LIST

(Large Canopy Trees – mature height 60 feet and above)

| | |
|--------------------------------------------------|----------------------------|
| <i>Celtis occidentalis</i> | Common Hackberry |
| <i>Ginkgo biloba</i> | Ginkgo (male only) |
| <i>Gleditsia triacanthos</i> var. <i>inermis</i> | Thornless Honey Locust |
| <i>Platanus acerifolia</i> ‘Yarwood’ | Yarwood Plane tree |
| <i>Platanus occidentalis</i> ‘Bloodgood’ | London Plane tree |
| <i>Quercus acutissima</i> | Sawtooth Oak |
| <i>Quercus alba</i> | White Oak |
| <i>Quercus coccinea</i> | Scarlet Oak |
| <i>Quercus muhlenbergii</i> | Chinquapin Oak |
| <i>Quercus palustris</i> | Pin Oak |
| <i>Quercus phellos</i> | Willow Oak |
| <i>Quercus buckleyi shumardii</i> | Red Oak |
| <i>Quercus velutina</i> | Black Oak |
| <i>Tilia Americana</i> | Basswood/American Linden |
| <i>Ulmus hollandica</i> ‘Groenveldt’ | Groenveldt Elm |
| <i>Ulmus americana</i> “libertas” | Liberty Elm |
| <i>Ulmus parvifolia</i> | Chinese/Lacebark/Drake Elm |

3. Public Space Trees

In addition to the above trees, the following trees may be placed within DOORYARDS, SQUARES OF CIVIC GREENS.

PUBLIC SPACE TREE LIST

| | |
|----------------------------------------------|-----------------|
| <i>Carya illinoensis</i> | Pecan |
| <i>Cerus canadensis</i> var. <i>texensis</i> | Texas Redbud |
| <i>Cerus x texensis</i> | Oklahoma Redbud |
| <i>Juglans nigra</i> | Black Walnut |
| <i>Magnolia grandiflora</i> | Magnolia |
| <i>Quercus macrocarpa</i> | Bur Oak |
| <i>Quercus muhlenbergii</i> | Chinquapin Oak |
| <i>Taxodium ascendens</i> | Pond Cypress |
| <i>Taxodium distichum</i> | Bald Cypress |

4. Private Space Plantings

No trees or other plant species that have been identified as invasive may be planted in any outdoor location within the City Center District.

Part 6. Parking and Loading Standards

601. Intent

- A. Promote a “park once” environment that will enable people to conveniently park and access a variety of commercial, residential, and civic enterprises in pedestrian friendly environments by encouraging shared parking.
- B. Reduce fragmented, uncoordinated, inefficient, reserved single-purpose parking.
- C. Avoid adverse parking impacts on neighborhoods adjacent to REDEVELOPMENT areas.
- D. Maximize on-street parking.
- E. Provide flexibility for REDEVELOPMENT of small sites and for the preservation or reuse of historic buildings.
- F. Increase visibility and accessibility of public parking.
- G. Support and encourage a multi-modal, bicycle and pedestrian-friendly environment.

602. Other Applicable Regulations

Pervious surfaces approved by the City Engineer are encouraged for surface parking lots.

603. Minimum Parking Requirements

- A. Properties zoned C-3 at the time of CCFBC adoption are exempt from these minimum parking requirements. See *Part 3. Section 302., 302.A., Center City Visioning Map*, for the applicable parcels. Properties zoned C-2 and located on Gray Street extending from Lahoma Avenue on the West to the railroad tracks on the East shall also be exempt from the minimum parking requirements of the CCFBC.
- B. There is no minimum parking requirement for the re-use or renovation of an existing structure in which there is no gross floor area expansion.
- C. An inset parking space located on a public street may be included in the calculation of parking requirements if it is adjacent to the building site (where more than 50% of the space is located within the street fronting the DEVELOPMENT parcel). On-street parking is subject to approval from the City of Norman’s Transportation Engineer.
- D. Each on-street parking space may only be counted once.
- E. Minimum reserved parking: Reserved parking includes all parking that is not shared parking.
 1. COMMERCE/CIVIC uses: There is no minimum requirement for reserved parking.

2. Residential—minimum reserved parking spaces per unit:
 - a. STUDIO unit .5 spaces/unit
 - b. 1 BEDROOM unit .5 spaces/BEDROOM
 - c. 2 BEDROOM unit .5 spaces/BEDROOM
 - d. 3 BEDROOM unit or greater 1 space/BEDROOM

F. Minimum Shared Parking for Urban General, Urban Storefront, and Urban Residential Frontages:

1. COMMERCE: There are no minimum shared parking requirements where the non-residential Gross Floor Area (GFA) is under 10,000 square feet. Sites over 10,000 square feet in non-residential GFA shall have a minimum of 1 and 1/4 spaces per 1,000 square feet of non-residential GFA provided as shared parking.
2. Shared parking shall be designated by appropriate signage and markings (parking shall be clearly visible and accessible to the public) as determined by the Director.

G. Achieving parking requirements:

1. Parking shall be located and configured in compliance with the PARKING SETBACK LINE or other regulations for the site on which it is located, as indicated on the REGULATING PLAN and/or BUILDING FORM STANDARD.
2. Minimum parking requirements may be met either on-site or within a 1000-foot walking distance of the DEVELOPMENT.
3. Parking lot design is up to the discretion of the developer. A parking lot striping plan must be provided by the developer.
4. Parking spaces shall be at least 162 square feet in area with a minimum width of 8.5 feet.
5. CORNER LOTS less than 12,900 total square feet shall only be required to comply with the parking setback line at the front of the property and not the side street. For the purposes of this paragraph, the frontage street is the same as the street address.

H. Bicycle Parking: sites and/or projects over 10,000 square feet in land area have the following requirements: (Appendix C)

1. For COMMERCE, the developer must provide 1 employee bicycle parking rack (2-bike capacity) per 5,000 square feet of commercial floor area and 1 visitor/customer bicycle parking rack (2-bike capacity) per 10,000 square feet of commercial floor area. The employee and visitor racks may be co-located.
2. For RESIDENTIAL, the developer must provide 1 tenant bicycle parking rack (2-bike capacity) per 4 units and 1 visitor bicycle parking rack (2-bike capacity) per 10 units. Projects under 4 units shall have no requirement.
3. Bicycle parking facilities shall be visible to intended users. The bicycle parking facilities shall not encroach on any area in the public right



603.H.4.Consolidated public bicycle parking

of way intended for use by pedestrians, nor shall they encroach on any required fire egress.

4. On-street bicycle parking spaces (typically along the STREET TREE ALIGNMENT LINE) may be counted toward the minimum customer/visitor bicycle parking requirement. (For areas with constrained STREET-SPACE, an optional approach is to consolidate public bicycle parking in a single dedicated on-street parking space per BLOCK. *See figure 603.H.4.*)

- I. Permissive parking and loading facilities. Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, in accordance with all regulations herein governing the location, design, and operation of such facilities.

J. Off-Site Parking

1. Off-site parking shall be located and configured in compliance with the PARKING SETBACK LINE or other regulations for the site on which it is located, as indicated on the REGULATING PLAN and/or BUILDING FORM STANDARD.

K. Tandem Parking

1. Tandem parking is only allowed for:
 - a. Single-family residential projects; and
 - b. Residential projects and the residential component of mixed-use projects.
2. Parking spaces shall be at least 162 square feet in area with a minimum width of 8.5 feet.
3. Tandem parking spaces shall follow normal parking space size requirements.

604. Reserved

605. Parking Lot Plantings

- A. For any surface parking lot not separated from the STREET-SPACE by a building, the space between the RBL and the PARKING SETBACK LINE shall be planted with canopy shade trees from the Tree Lists in *Part 5. Urban Space Standards*. Trees shall be planted at an average distance not to exceed 30 feet on center and aligned parallel 3 to 7 feet behind the RBL/STREET WALL.
- B. The edge of any Urban General or Urban Storefront surface parking lot adjacent to a Detached or Urban Residential lot shall:
 1. Be planted with canopy shade trees from the Tree Lists in *Part 5. Urban Standards*, placed at an average distance not to exceed 40 feet on center and aligned parallel 3 to 7 feet behind the COMMON LOT LINE.
 2. Have a STREET WALL, GARDEN WALL or PRIVACY FENCE along the COMMON LOT LINE.

606. Loading Facilities

- A. No loading facilities are required.
- B. Where loading facilities are provided, they shall be located to the rear and/or ALLEY side of buildings.

Part 7. Building Functions

701. General Provisions

A. Permitted Uses

Permitted uses by BUILDING FORM STANDARD Frontage are shown in *Section 702* with additional regulations, as applicable. The categories in the use table are further listed and detailed in *Section 703 and 704*.

B. Use Determination

1. The Director is responsible for categorizing all uses, and applying the uses set forth in *Section 702, Use Table*. If a proposed use is not listed in a use category, but can be said to be reasonably similar in impact on the CC Form District to a listed use, the Director shall treat the proposed use as a use under that category. If a proposed use is not listed in a use category, and is fundamentally different from any other listed use, the use shall be prohibited. Also, the Director may make such decisions pursuant to *Section 104, Other Applicable Regulations, Subpart (B)*.
2. Uses Not Specifically Listed: When determining whether a proposed use is similar to a use listed in *Section 703*, the Director shall consider the following criteria:
 - a. The actual or projected characteristics of the proposed activity in relationship to the stated characteristics of each use.
 - b. Types of vehicles used and their parking and/or loading requirements.
 - c. The likely impact on surrounding properties.
 - d. The intent of the CC Form District.

C. Temporary Uses and Structures

Temporary structures such as shipping containers and other modular structures may be permitted to provide new business incubator space by housing retail and restaurant uses in the Urban General and Urban Storefront frontages for up to 24 months, with an optional annual renewal thereafter dependent on their performance and upkeep. Such temporary structures are not required to meet the Building Form Standards, but other performance standards may apply.

702. Use Table

The use table identifies the uses allowed in the respective BFS Frontages by STORY.

| USE CATEGORY | | Urban Residential | | 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

703. Use Categories

A. Residential Uses

Residential Uses are allowed as set forth in *Part 9. Definitions: USES, RESIDENTIAL*, and shall be sub-categorized as follows per the Use Chart:

1. Household Living
2. Group Living

B. Commerce Uses

1. **Use Classification.** The COMMERCE USES permitted in each BFS have been classified by the sub-categories represented on the Use Table. As set forth therein, each sub-category's included specific uses, as each use is determined by the Planning Director as set forth in *Section 701*, are subject to the particular DEVELOPMENT and performance standards set forth in the Use Table and those additional standards set forth in *Part 7. Section 704. Development and Performance Standards*, if any.
2. **Permitted Uses.** Generally, any use categorized and sub-categorized on the Use Chart, and as thereafter amended, are permitted where a representative sub-category is shown, and subject to the Planning Director's determination as set forth in *Section 701*.
3. **RETAIL SALES AND SERVICES.** Any use permitted pursuant to (B)(2), except that:
 - a. Automobile surface parking lots are only permitted behind the PARKING SETBACK LINE
 - b. Outdoor athletic courts are only permitted as part of an adjacent fitness center
4. **Additional Uses, if not otherwise permitted.** In addition to those uses permitted pursuant to the Use Chart and (B)(2) above, the following are permitted as COMMERCE USES, subject to the Planning Director's determination as set forth in *Section 701*:
 - a. Hotels and Lodging
 - b. Auditoriums and arenas
 - c. Conference facilities and convention centers
 - d. Communication antennas mounted on existing structures
 - e. BAR, Lounge or Tavern and Live Entertainment subject to the requirements of *Section 704.F*.

C. Civic Uses

1. **Permitted Uses.** Permitted CIVIC USES are determined according to the definition set forth in *Part 9. Definitions: CIVIC USE*.
2. **Additional Uses.** The following uses are expressly allowed as set forth in *Part 9. Definitions: CIVIC USE* or expressly as set forth herein:
 - a. College, community college, university
 - b. Museum, library, auditorium, arena
 - c. Places of worship including church, mosque, synagogue, temple
 - d. Police, fire, EMS station, substation
 - e. Public or private (K-12) school

- f. Neighborhood arts center, Community Center or similar community facility (public)
- g. Farmers Market

704. Development and Performance Standards

A. General

1. All permitted uses shall meet the *Section 402. General Provisions* and those standards specified in the applicable individual BUILDING FORM STANDARD pages.
2. No CIVIC, COMMERCE OR WORKSHOP use is permitted above a RESIDENTIAL use, except for rooftop restaurants where specifically designated in the Urban Storefront Frontage.
3. No drive-through services are permitted.
4. No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building, and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
5. Communication antennas may be installed on any existing structure (such as a building, utility pole, water tower, etc., but excluding single-family residences and accessory uses) 3 STORIES in height or greater but no less than 45 feet provided that the additional antennas shall add no more than 20 feet to the height of said existing structure. Communication antennas which are architecturally compatible to the building architecture may locate on non-residential buildings less than 3 STORIES or 45 feet in height, subject to receiving a Certificate of Compliance. Associated equipment will be subject to final DEVELOPMENT plan approval. Associated equipment may be permitted on the roof so long as it is screened from view.

B. Residential

1. See the Urban General BFS for configuration requirements for GROUND STORY RESIDENTIAL uses.
2. A lobby serving an upper STORY RESIDENTIAL use is permitted on the GROUND STORY of an Urban Storefront BFS site.

C. Civic

Buildings that house CIVIC USES designated on the REGULATING PLAN are not subject to *Part 4. Building Form Standards* except for *Section 402.D. Neighborhood Manners*.

D. Office

1. Office uses are not permitted within the required minimum depth for the STOREFRONT space in an Urban Storefront site.
2. Office uses are permitted within the GROUND STORY of designated LIVE-WORK Urban Residential BFS Frontage units.

E. Overnight Lodging

1. GROUND STORY guest rooms shall meet the configuration standards for GROUND STORY residential uses as specified in the Urban General BFS.
2. A lobby serving an upper STORY overnight lodging use is permitted on the GROUND STORY of any Urban Storefront BFS site.
3. For the Urban Residential BFS Frontage, only BED AND BREAKFAST types are permitted.

F. Restaurant/Bar, Retail Sales

1. Outdoor eating areas for eating/drinking establishments shall be allowed on the public sidewalk in Urban General and/or Urban Storefront Frontages, subject to:
 - a. the provision of a minimum clear width of five (5) feet within the CLEAR WALKWAY area; and
 - b. subject to the issuance of applicable permits.
2. A restaurant or RETAIL use is permitted in the second STORY of an Urban Storefront or Urban General site provided it is an extension equal to or less than the area of the same GROUND STORY use.
3. An eating/drinking establishment is permitted on the rooftop of an Urban Storefront site.
4. The sale and consumption of alcoholic beverages shall be subject to all existing permitting provisions, as applicable.
5. Live entertainment and BAR/lounge/tavern are required to obtain a Special Use Permit if the walls of the facility are within 100 feet of a solely residential BFS within the CC Form District or a residential zoned property which is not included in the CC Form District.
6. No merchandise (including motorcycles, scooters, and automobiles) may be left within the STREET-SPACE when the business is not open.
7. Only merchandise or a commodity manufactured on premise may be sold in the GROUND STORY of a LIVE-WORK unit.

G. Auto Repair

Auto repair services may be permitted, subject to the following:

1. The property shall be at least 100 feet from any solely residential lot;
2. The use shall not include the display and rental of cargo trailers, trucks, or similar uses;
3. The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited;
4. Discarded parts resulting from any work shall be removed promptly from the premises. Automotive replacement parts and accessories shall be stored inside the main structure;
5. Upon the abandonment of the auto repair service, the use shall terminate and all structures exclusively used in the business (including underground storage tanks), except buildings, shall be removed by the

owner of the property. For the purpose of this Subsection, the term “abandonment” shall mean non-operation as an auto repair for a period of 14 months after the retail services cease.

H. Crematoriums

CREMATORIUMS are required to obtain a Special Use Permit and are subject to the following:

- a. CREMATORIUMS will be located a minimum of 400 feet from any solely residential BFS or residential zoning district and 100 feet from all other zoning districts measured from the closest point of the building to the nearest residential district.
- b. Facilities shall meet all applicable state and federal requirements for incineration equipment and shall be licensed at all times.
- c. All storage shall be inside.
- d. Incinerator stacks shall not be located on the front side of the roof of any structure facing the street.
- e. Crematoriums shall have direct vehicle access to an arterial street.

I. Adult Entertainment Uses

Adult Entertainment Uses are required to obtain a Special Use Permit and are subject to the following:

- a. No such zoning shall be granted for any proposed location which is within a one thousand foot (1000’) radius of any other Adult Entertainment Use.
- b. No Adult Entertainment Use shall be allowed to locate within a five hundred foot (500’) radius of any church, public or private school (type which offers a compulsory education curriculum) or public or private park. Nor shall any Adult Entertainment Uses be allowed to locate within five hundred feet of any solely residential BFS or residential zoning district.
- c. All distances required to be met pursuant to the terms of this section shall begin at the property line of the proposed use and are measured to the nearest property line of the public or private lot, school, park, church, residentially zoned lot, or adult entertainment use within the proscribed distance, if any.

J. Special Use for Dwelling Units with Four or More Bedrooms

In any BFS where residential use is permitted, DWELLING UNIT(s) may contain four or more BEDROOMS upon approval of a Special Use Permit as follows:

1. This provision is applicable to new construction, including demolition and reconstruction, or an addition/alteration to existing construction adding at least one BEDROOM where the resulting structure is to contain four or more BEDROOMS in a residential DWELLING UNIT(s);
2. This provision is not applicable to structures with four (4) or more BEDROOMS existing on or before the date O-1920-3 was enacted;

3. Where an existing structure already has four (4) or more BEDROOMS existing on or before the date O-1920-3 was enacted, but voluntarily seeks and is denied a Special Use Permit, denial alone will not render *Section 704 (J)* applicable unless an addition/alteration adding at least one more BEDROOM occurs per subpart (1) above.

K. Special Use Procedure

1. An Applicant seeking a Special Use Permit pursuant to *Section 704* shall follow, and is subject to, those procedures and regulations set forth in the Norman Zoning Ordinance regarding Special Uses, currently found at 36-560 and as thereafter amended, except that:
 - a. The Planning Director may also require applicant submit information in addition to that required by the Zoning Ordinance where the Planning Director feels that said additional information is necessary to address particular aspects of the subject property's character, or to assist in evaluating and determining a project's adherence to the goals of this Code; and
 - b. The Planning Commission and the City Council may also, in addition to those items identified in the Zoning Ordinance regarding Special Uses, take into account the underlying purposes and goals of the Center City Vision and this Code, in setting conditions (including occupancy conditions) recommending or approving any Special Use Permit application.
2. Any violation of a Special Use Permit constitutes a violation of the Norman City Code, as embodied in both the Norman Zoning Ordinance and this Code.

Part 8. Site Development Requirements

801. Intent

- A. This part applies to the Urban Residential BFS and Detached Frontage BFS that are newly DEVELOPED or REDEVELOPED pursuant to the CCFBC. Impervious surface controls are necessary to balance the DEVELOPMENT and stormwater needs in the CCFBC area, in addition to anticipated infrastructure improvements.

802. Site Grading Plan

- A. All site work and material storage must be completed within the property boundary. Any activities required in the public right of way or alley must be approved through application for a right of way permit through Public Works Engineering (405-366-5457) prior to commencing work. This includes the removal or construction of sidewalks, drives or alleys. Sidewalk removals must have a set plan for immediate replacement for public use.
- B. A site grading plan must be submitted containing the following information at a minimum:
1. Lot/building layout with dimensions;
 2. Existing and proposed impervious areas with dimensions and percentages;
 3. Existing and proposed ground contours and elevations;
 4. Proposed finished floor elevation of all structures using 1 foot or less contour intervals;
 5. Drainage patterns indicated by flow arrows and locations where stormwater leaves the site;
 6. Proposed drainage areas; and
 7. Location of downspouts.
 8. Explanation of how each drainage area will be collected by public stormwater infrastructure. Public stormwater infrastructure can include the public street or a stormwater inlet located within a public easement or right of way.

803. Drainage Calculations

- A. Drainage calculations prepared by an Oklahoma licenced professional engineer per Section 5000 of the Engineering Design Criteria for the site must be provided including the following information at a minimum:
1. Calculations must apply and satisfy methodology set forth in Section 5000 of the Engineering Design Criteria.
 2. Existing or historic runoff rate for each drainage area. If historic aerial photos indicate that structures or impervious areas had been demolished these areas can be used in the calculation of the historic runoff rate;

3. Permissible runoff rate based on time of concentration (t_c) for each drainage area shall be determined as follows:
 - a. In no case shall t_c of less than 5 minutes be allowed.
 - b. For sites less than or equal to 10,500 square feet a t_c of five minutes can be assumed.
 - c. Or larger areas of REDEVELOPMENT t_c shall be calculated using the Section 5000 of the Engineering Design Criteria (EDC 5000).
- B. Each lot shall be drained to an abutting STREET OR ALLEY, and downspouts shall not be directed in such a manner as to adversely impact adjacent properties.
- C. For REDEVELOPMENT where impervious cover is increasing to 65%, the difference in the runoff between existing and post-DEVELOPMENT must be accounted for through site engineering and/or engineering solutions as described in Sections 5000 and/or 7000 of the Engineering Design Criteria (EDC 5000 and/or 7000).

804. Impervious Area

- A. Impervious coverage shall not exceed 65% unless incentive requirements as discussed in Section 805 below are satisfied.

805. Impervious Coverage Incentive

- A. In order to exceed the maximum impervious coverage of 65% of each lot/parcel, all of the above conditions as well as the following conditions must be satisfied:
 1. Total impervious coverage may not, in any case, exceed of 85%.
 2. Owner/Applicant must submit a site grading plan and drainage calculations indicating no adverse affect per EDC 5000, to the side, adjacent, or down gradient properties will occur at proposed impervious area coverage.
 3. Owner/Applicant must utilize low impact development (LID), engineered solutions, Green Stormwater Infrastructure (GI), Best Management Practices or other stormwater device or devices to capture the first 1.0 inch of rainfall; and
 4. Owner/Applicant must submit an operations and maintenance manual for all engineered solutions. This manual must be filed at the Cleveland County Courthouse prior to occupancy being granted and a copy of the filed manual provided to Public Works Engineering. Deeded easements are required for any installed stormwater devices.
 5. The owner of record will inspect all engineered solutions annually for compliance with the operations and maintenance manual. The inspection report must be submitted to the Public Works Engineering prior to June 30 each year.
- B. EDC 7000 may be used to determine appropriate engineering solutions to meet the requirements of this section, with example requirements as follows:

1. Overland Flow Vegetated Filtration Areas (EDC 7000)
 2. Maximum contributing flow path length <75 foot
 3. Downspouts located at least 10 feet away from nearest impervious surface.
- C. Disconnected impervious areas shall drain continuously overland as sheet flow through a broad grassed area or vegetated filter strip to the property line or street.
- D. Further guidance for DEVELOPMENT in the CCFBC area may also be provided, in EDC 7000 for approved LID Techniques and Engineered Solutions to guide impervious surface areas increases to as much as 85%. EDC 7000 will provide proposed designs for engineered solutions that may be utilized for a site. Possible engineering solutions include:
1. Small detention ponds
 2. Underground detention ponds (if grades allow)
 3. Pervious pavers (if soil types allow)
 4. Enhanced dry swales and grass channels
 5. Infiltration and soakage trenches
 6. Filter Strips
 7. Bioretention Areas
 8. Rain Barrels/Storage Tanks (storage tanks must be screened to adhere to the architectural and landscape standards contained in the CCFBC)
 9. Tree wells

Part 9. Definitions

The following terms are defined for the purpose of the Center City Form-Based Code.

Accessory Unit. A building or addition for living purposes (maximum footprint of 650 square feet—or the footprint of the main structure for ENGLISH BASEMENT type ACCESSORY UNITS) that is not the primary structure or principal DWELLING UNIT on a lot, that can be used as additional residential or home occupation space.

Adult Amusement or Entertainment. Amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to SEXUAL CONDUCT or SPECIFIED ANATOMICAL AREAS, including but not limited to topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment. This includes ADULT BOOKSTORES, ADULT MINI MOTION PICTURE THEATERS, ADULT MOTELS, ADULT MOTION PICTURE ARCADES, ADULT MOTION PICTURE THEATERS, MASSAGE PARLORS, and ADULT SEXUAL ENCOUNTER CENTERS.

Adult Bookstore. An establishment having as a significant portion of its stock in trade books, film, magazines and other periodicals which are distinguished or characterized by an emphasis on depicting or describing SEXUAL CONDUCT or SPECIFIED ANATOMICAL AREAS.

Adult Mini Motion Picture Theater. An enclosed building with a capacity of less than 50 persons used for presenting material distinguished or characterized by an emphasis on depicting or describing SEXUAL CONDUCT or SPECIFIED ANATOMICAL AREAS.

Adult Motel. A motel wherein material is presented, as part of the motel services, via closed circuit t.v. or otherwise, which is distinguished or characterized by an emphasis on depicting or describing SEXUAL CONDUCT or SPECIFIED ANATOMICAL AREAS.

Adult Motion Picture Arcade. Any place at which slug-operated or electronically, electrically or mechanically controlled, still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “Sexual Conduct” or “Specified Anatomical Areas.”

Adult Motion Picture Theater. An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on depicting or describing SEXUAL CONDUCT or SPECIFIED ANATOMICAL AREAS.

Alley/Alley Access Easement. The public right-of-way or easement for vehicles and pedestrians within a BLOCK that provides access to the rear or side of properties, vehicle parking (e.g., garages), utility meters, recycling containers, and garbage bins.

Attached Structures. A set of two or more structures connected by a common wall which separates climate-controlled rooms in all attached structures.

Attic Story. Habitable space situated within the structure of a pitched roof and above the uppermost STORY. They are permitted for all BFS sites and do not count against the maximum STORY height or ultimate height limits of their BFS.

Awning. A roof-like covering, projecting from a building FACADE, usually of canvas, metal, or similar material and often adjustable, placed over the sidewalk, windows, or doors to provide protection from sun and rain.

Balcony. An exterior platform attached to the upper floors of the building FAÇADE (along any STREET FRONTAGE, forward of the REQUIRED BUILDING LINE). *Note that other balcony-type structures oriented toward the lot interior are not regulated by the Center City FBC, but may be regulated by other building or fire code requirements.*

Bar/lounge/tavern. An establishment whose primary activity, measured by dollar volume of sales, involves the sale and the on-premise consumption of intoxicating or non-intoxicating beer, mixed beverages, wine, or other liquor, and where food service, if any, is a secondary activity.

Bay Window. Generally, a U-shaped enclosure extending the interior space of the building outward of the FACADE/REQUIRED BUILDING LINE (along its STREET-SPACE side).

Bed & Breakfast. A use in which the owner operator provides lodging which included meal service to transient guests for compensation. The use is subordinate to the principal use and appearance of the structure as a residence.

Bedroom. Any habitable room or space no less than 70 square feet and no greater than 144 square feet in floor area in a DWELLING UNIT which:

- a. may be segregated by any means of closure or is otherwise capable of being used for sleeping quarters; and
- b. has more than one means of egress (doorway or window); and
- c. is not a kitchen, bathroom (lavatory) or utility room;

Less and except only one room or space meeting this definition that is specifically designated and utilized as general living space (but only where a general living space is not otherwise provided in the same DWELLING UNIT).

Any room or space which meets this definition and is greater than 144 square feet in floor area shall be counted as two bedrooms. Every additional 144 square feet of floor area shall be counted as an additional bedroom.

Block. An increment of land comprised of lots, ALLEYS and tracts circumscribed and not traversed by streets (PEDESTRIAN PATHWAYS excepted). BLOCKS shall be measured at the REQUIRED BUILDING LINE (RBL).

Block Corner. The outside corner of a BLOCK at the intersection of any two STREET-SPACES (the RBLs). Inside corners, where the resulting angle formed by the block face is less than 180 degrees (concave) are not considered BLOCK CORNERS for the purposes of this Code.

Block Face. The REQUIRED BUILDING LINE frontage between BLOCK CORNERS.

Buildable Area. The area of the lot that building(s) may occupy, which includes the area of the lot behind the REQUIRED BUILDING LINE as designated by the BUILDING FORM STANDARD. The BUILDABLE AREA sets the limits of the building footprint now and in the future—any additions shall be within the specified BUILDABLE AREA.

Building Corner. The outside corner of a building where the primary building mass is within an angle less than 180 degrees. Inside corners, where the exterior space of the building mass forms an angle of more than 180 degrees are not considered BUILDING CORNERS for the purposes of this Code.

Building Form Standards (BFS). The part of this Code that establishes basic parameters regulating building form, including the envelope (in three dimensions), placement and certain permitted/required building elements, such as SHOPFRONTS, BALCONIES, and STREET WALLS. The BUILDING FORM STANDARDS establish both the boundaries within which things may be done and specific things that must be done. The applicable BUILDING FORM STANDARD(S) for a site is determined by its STREET FRONTAGE as per the REGULATING PLAN. This produces a coherent STREET-SPACE and allows the building owner greater freedom behind the FAÇADE.

Building Face. See FAÇADE.

Child Care Center. Any place, home or institution which receives more than seven children under 18 years of age, who are not of common parentage, for care apart from their parents, legal guardians or custodians, when such care is received for regular periods of time for compensation; provided, however, this definition shall not include those public and private schools organized, operated or approved under the laws of Oklahoma and regulated by the State Department of Education, those where custody of the children has been fixed by a court of competent jurisdiction, those where children are related by blood or marriage within the third degree of the custodial person, or to those public or private institutions caring for children while the parents, legal guardians or custodians are attending services, meetings, classes, or otherwise engaging in that institution's activities, to the extent such care and custody does not exceed four hours at any one time.

Civic Green or Square. A public open space designated on the REGULATING PLAN. The term *square* is generally used to describe spaces that have more paved surface area. The term *civic green* is generally used to describe a formally configured small public lawn or park that is primarily unpaved. CIVIC GREENS and SQUARES do not include active recreation structures such as ballfields and courts. See *Part 5. Urban Space Standards* for the specific controls on SQUARES and CIVIC GREENS.

Civic Use Buildings. Those buildings that house strictly CIVIC USES or historically and urbanistically significant structures designated on the REGULATING PLAN. CIVIC USE BUILDINGS and publicly-owned public art are not subject to the BUILDING FORM STANDARD prescriptions of this Code. See also USE, CIVIC.

Clear Height. Within a structure, the distance between the floor and ceiling. For entrances and other external building features, the unobstructed distance from the ground to the bottom of the lowest element above.

Clear Walkway. The portion of the sidewalk within a STREET-SPACE that shall remain clear of obstructions and allow public passage. The CLEAR WALKWAY width is specified in the *Street Type Specifications*.

Clearly Visible from the Street-Space. Many requirements of this Code apply only where the subject is “CLEARLY VISIBLE FROM THE STREET-SPACE.” (Note that the definition of STREET-SPACE includes SQUARES, CIVIC GREENS, PEDESTRIAN PATHWAYS, parks, and all public space except ALLEYS.) A building element more than 30 feet from a REQUIRED BUILDING LINE or STREET-SPACE is by definition not CLEARLY VISIBLE FROM THE STREET-SPACE (such as elements facing a COMMON LOT LINE). Also, common or party walls are by definition *not* CLEARLY VISIBLE FROM THE STREET-SPACE. This does not exempt vehicle parking lots or parking structures from any BUILDING FORM STANDARD requirements.

Commerce. See USE, COMMERCE.

Common Lot Lines. Lot lines shared by adjacent private lots.

Comparative Pedestrian Crossing. The measured distance, shown on the Street Type Specifications, that a pedestrian would be within an automobile travel lane (or turning movement) while crossing a street. A crossing time is calculated based on a pedestrian speed of 3.7 feet per second (a generally accepted urban average). This distance/time is calculated in order to provide a relative gauge of the comfort level for pedestrians crossing the street.

Complete and Discrete Facade Composition. The FACADE articulation that breaks down the apparent scale of a large building into smaller apparent pieces. The intent of such a FACADE COMPOSITION is to provide ‘human scale’ for the STREET-SPACE. The objective requirements of the COMPLETE AND DISCRETE FACADE COMPOSITION section of the BUILDING FORM STANDARDS regulate and ensure such scalar break-down.

Corner Lot. A lot in which one side lot line is adjacent to a street or STREET-SPACE. Special building placement, fencing and landscape requirements may apply.

Covered Sidewalk. A roofed or built structure attached to the FAÇADE and extending beyond the REQUIRED BUILDING LINE and over the sidewalk or SQUARE, open to the STREET-SPACE except for supporting columns, piers, or arches. (See BUILDING FORM STANDARDS for complete specifications.)

Crematorium. A facility for the incineration of corpses, human or animal, to ashes. Crematorium does not include any establishment where incinerators are used to dispose of toxic, hazardous, infectious, or narcotic materials.

Detached Frontage Building. Building form and functions resulting from/as determined by the Detached BUILDING FORM STANDARD as indicated on the REGULATING PLAN.

Developing or Development. As used in the CCFBC, these terms refer to construction or commencement of a use upon property(ies) where a NON-CONFORMING USE or NON-CONFORMING STRUCTURE did not previously exist.

Dooryard. The area within the STREET-SPACE between the FAÇADE of the building (generally the REQUIRED BUILDING LINE) and the CLEAR WALKWAY area of the sidewalk. The DOORYARD area is designated in the Street Type Specifications.

Dormers. Roofed ancillary structures with windows providing light and air to habitable space within the roof.

Dwelling Unit. A room or space or a suite of rooms or spaces used or intended to be used as an apartment and supporting general living conditions usually including a single cooking and dining space, single general living space, BEDROOM(s), bathroom(s) and utility room.

Eave Height. EAVE HEIGHT shall be measured at the bottom of the top layer of roofing material at its outermost point from the building wall.

English Basement. A habitable floor level below the first floor that is partially above and below grade, with direct STREET-SPACE access.

Façade (Building Face). The building elevation facing the STREET-SPACE OR REQUIRED BUILDING LINE. Building walls facing private interior courts, COMMON LOT LINES, ALLEYS, and COMMON DRIVES are NOT FAÇADES.

Façade Composition. The arrangement and proportion of materials and building elements (windows, doors, columns, pilasters, bays, etc.) on a given FAÇADE.

Family Day Care Home. A structure used as a residence in which the resident receives seven or fewer children under the age of 18 years (including the caregiver's own resident preschool children under the age of five) for part-time care apart from their parents, legal guardians or custodians, when such care is received for regular periods of time for compensation.

Fenestration. Openings in the building wall, including windows and doors, allowing light and views between interior (private realm) and exterior (public realm).

First Floor. See GROUND STORY.

Front Porch. The ground floor platform attached to the FAÇADE OR REQUIRED BUILDING LINE side of the main building.

Front Yard. An open (unpaved) space required by certain BUILDING FORM STANDARDS extending across the entire width of the lot between the FAÇADE and the CLEAR WALKWAY. This area is contiguous with the STREET-SPACE, and includes any FRONT PORCH.

Front Yard Fence. The wood (picket), wrought iron fence, or masonry wall located along and surrounding the FRONT YARD. (For placement, height and gate specifications, see the BUILDING FORM STANDARDS.)

Garden Wall. A masonry wall defining a property line or delineating a private area. (For placement, height and gate specifications, see the BUILDING FORM STANDARDS.) A GARDEN WALL may serve as a FRONT YARD FENCE.

General Living Space. The single room in a DWELLING UNIT designated or utilized for common social activities of the occupants.

Ground Story. The first habitable level of a building at or above grade. The next STORY above the GROUND STORY is the second floor or STORY.

Habitable Space. A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls or utility spaces are not considered habitable spaces.

Legacy Zoning District. A parcel's previous base zoning district existing immediately prior to the adoption of the CCFBC in July of 2017.

Liner Shops. Small shops (which can be as shallow as 15 to 20 feet) along the REQUIRED BUILDING LINE of a larger structure, with doors opening directly to the sidewalk. These small retail spaces break down the scale of large building FACADES. (Liner shops may or may not connect to the larger interior space.)

Live-Work. Where designated on the REGULATING PLAN, a townhouse is permitted to contain COMMERCE uses where it has its GROUND STORY configured as a SHOPFRONT.

Massage Parlor. Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with SEXUAL CONDUCT or where any person providing such treatment, manipulation or service related thereto exposes SPECIFIED ANATOMICAL AREAS.

Mezzanine. An intermediate level between the GROUND STORY and the second STORY. It may be in the form of a platform, podium, or wide balcony. Its uses shall be limited to a continuation of the GROUND STORY uses.

Non-Conforming Structure. Any structure lawfully in compliance with its LEGACY ZONING DISTRICT at the time of CCFBC's adoption in July of 2017.

Non-Conforming Use. Any lawful use of land, building or structure existing on a subject property(ies) at the time of adoption of the CCFBC in July of 2017, which does not conform with the applicable use regulations of the CCFBC.

Open Area. See PRIVATE OPEN AREA.

Parapet Height. Where used to limit building height in this Code, PARAPET HEIGHT shall be measured at the top of the parapet, including any coping. An additional three feet in height by 12 feet in width or 15 percent of the FAÇADE, whichever is greater, is permitted for a section of the parapet to emphasize the building's primary street entry or a BLOCK CORNER.

Parking Setback Line. A line or plane indicated on the REGULATING PLAN which extends vertically up from the GROUND STORY floor level (unless otherwise noted on the REGULATING PLAN or BFS) and is generally parallel to the REQUIRED BUILDING LINE. The PARKING SETBACK LINE is a permissive minimum distance from the REQUIRED BUILDING LINE and parking may be placed anywhere within the lot behind this line, except where otherwise specified in this Code.

Pedestrian Pathway. An interconnecting paved way providing pedestrian and bicycle passage through BLOCKS running from a STREET-SPACE to another STREET-SPACE, an ALLEY or an interior block parking area. The area within a PEDESTRIAN PATHWAY shall be a public access easement or public right-of-way.

Plaza. See SQUARE.

Privacy Fence. An opaque fence made of wood or masonry (not chain link or any other type of rolled fence) along ALLEYS, COMMON DRIVES, COMMON LOT LINES and PEDESTRIAN PATHWAYS. See the BUILDING FORM STANDARDS for any height and placement specifications.

Private Open Area. An occupiable area within the BUILDABLE AREA and generally behind the PARKING SETBACK LINE, accessible only to occupants of the particular building or site, and (primarily) open to the sky. Additional specifications for the PRIVATE OPEN AREA may be included in each BUILDING FORM STANDARD. Private open area shall not be built-upon, used to satisfy minimum stormwater Best Management Practice area (if thereby excluding active tenant use), parked or driven upon (except for emergency access).

Redeveloping or Redevelopment. As used in the CCFBC, these terms refer to circumstances where alterations to a NON-CONFORMING USE or NON-CONFORMING STRUCTURE (pursuant to *Part 2. Section 208 Non-Conforming Structures and Uses*) result in destruction of non-conforming status and complete applicability of the CCFBC to a subject property(ies).

Regulating Plan. The implementing site plan for the DEVELOPMENT of the Center City Form District under this Code. REGULATING PLANS allocate the BUILDING FORM STANDARDS and street types and provide specific information for the disposition of each building site. The REGULATING PLAN also shows how each site relates to adjacent STREET-SPACES, the overall district, and the surrounding neighborhoods.

Required Building Line (RBL). A line or plane indicated on the REGULATING PLAN, defining the STREET FRONTAGE which extends vertically and generally parallel to the street, at which the building FAÇADE shall be placed. This is a requirement, not a permissive minimum. The minimum length and height of FAÇADE that is required at the RBL is shown on the appropriate BUILDING FORM STANDARD.

Sexual Conduct. The fondling or other touching of human genitals, pubic region, buttocks, or female breasts; ultimate sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, sodomy; masturbation, and; excretory functions as part of or in connection with any of the activities set forth above.

Sexual Encounter Center. Any building or structure which contains, or is used for commercial entertainment where the patron directly or indirectly is charged a fee to engage in personal contact with or to allow personal contact by, employees, devices or equipment or by personnel provided by the establishment which appeals to the prurient interest of the patron, to include, but not to be limited to bath houses, massage parlors, and related or similar activities.

Short Term Rental. The rental of an entire dwelling, 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. An annual Short-Term Rental license may be issued to eligible Applicants by the City Clerk. A Short-Term Rental license is a privilege, not a right, and may be denied, suspended, revoked or not renewed.

Sidewing. The portion of a building extending along a COMMON LOT LINE toward the ALLEY or rear of the lot.

Specified Anatomical Areas. Human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Square. See CIVIC GREEN.

Stoop. An entry platform on the FAÇADE of a building. (See the BUILDING FORM STANDARDS for specifications.)

Shopfront (Storefront). That portion of the GROUND STORY FAÇADE FENESTRATION intended for marketing or merchandising of COMMERCE uses and allowing visibility between the sidewalk and the interior space.

Story (Story Height). That space within a building and above grade that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above. STORY HEIGHT parameters are as specified by the appropriate BUILDING FORM STANDARD.

Street Frontage. That portion of the lot or building that is coincident with the REQUIRED BUILDING LINE as required by this Code.

Streetlight. A luminaire installed on both sides of the STREET-SPACE, along the STREET TREE ALIGNMENT LINE or median centerline, unless otherwise designated in this code, with the design criteria in the CC Form District giving equal weight to the lighting of the pedestrian areas and the automobile areas.

Street-Space. All space between fronting REQUIRED BUILDING LINES (streets, SQUARES, PLAZAS, PEDESTRIAN PATHWAYS, CIVIC GREENS, sidewalks, parks)—including any transit service operator passenger platform—but not garage entries or ALLEYS.

Street Tree. A tree required per this code and listed in the Street Tree List located in *Part 5. Urban Space Standards* that is of a proven hardy and drought tolerant species and large enough to form a canopy with sufficient clear trunk to allow traffic to pass under unimpeded.

Street Tree Alignment Line. A line along which STREET TREES shall be planted and STREETLIGHTS and other such infrastructure are to be placed. It is generally parallel with the STREET-SPACE.

Street Wall. A masonry wall set on the REQUIRED BUILDING LINE which assists in the definition of the STREET-SPACE in the absence of a building. See the BUILDING FORM STANDARDS for height and gate specifications.

Tree Lawn (Tree Trench). A continuous strip of soil area—typically covered with grass, other vegetation, bridging pavement, or sometimes porous pavers—located between the back of curb and the CLEAR WALKWAY AREA, and used for planting STREET TREES and configured to foster healthy STREET TREE root systems. TREE LAWN dimensions are specified in the Street Type Specifications.

Urban General Frontage Building. Building form and functions resulting from/as determined by the Urban General BUILDING FORM STANDARD as indicated on the REGULATING PLAN.

Urban Residential Frontage Building. Building form and functions resulting from/ as determined by the Urban Residential BUILDING FORM STANDARD as indicated on the REGULATING PLAN.

Urban Storefront Frontage Building. Building form and functions resulting from/ as determined by the Urban Storefront BUILDING FORM STANDARD as indicated on the REGULATING PLAN.

Use, Art Studio. A place of work for an artist, artisan, or craftsperson, including persons engaged in the application, teaching, or performance of the fine arts. “Artist” shall include, but is not limited to, painters, sculptors, and photographers.

Use, Artisanal Manufacturing. An establishment or business where an artist, artisan, or craftsperson makes or fabricates crafts or products by hand or with minimal automation and may include direct sales to consumers.

Use, Auto Repair. An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment, including paint, body and fender, major engine and engine part overhaul, brake, muffler, upholstery work, tire repair and change, lubrication, tune ups and transmission work, provided such work is conducted within a completely enclosed building.

Use, Civic. For the purpose of the Center City Form District, CIVIC USES include: meeting halls; libraries; schools; police and fire stations; post offices (retail operations only, no primary distribution facilities); places of worship; museums; cultural, visual and performing art centers; transit centers; government functions open for the public; and, other similar community uses. Public ownership alone does not constitute CIVIC USE.

Use, Commerce. For the purpose of the Center City Form District, COMMERCE USES shall be considered to generally encompass all of the Commerce categories and sub-categories represented on the CCFBC Use Table, and as thereafter amended, and as determined by the Planning Director pursuant to Sections 104 and 701 herein, except for any differences provided in Section 703 or Section 704 of this CCFBC; the additional uses permitted in sub-section 703(B)(4); and all of the CIVIC USES defined above, except transit centers.

Use, Office. For the purpose of the Center City Form District, OFFICES are occupations in the tertiary sector of the economy requiring special training in the arts or sciences. Some OFFICES require holding professional licenses such as architects, auditors, engineers, doctors and lawyers. Other OFFICES involve providing specialist business support to businesses of all sizes and in all sectors; this can include tax advice, supporting a company with accounting, or providing management advice.

Use, Overnight Lodging. Accommodation provided by an establishment (such as a hotel, bed and breakfast, or SHORT TERM RENTAL) where guests can sleep or spend the night.

Use, Passenger Terminal. A structure which services passengers boarding or leaving transportation vessels other than personal automobiles.

Use, Recreation/Entertainment. Recreation, amusement, or entertainment services being provided in an indoor or outdoor facility for the purpose of some leisure activity, including, but not limited to, arcades, computer arcades, escape rooms, gyms, laser tag, miniature golf, movie theaters, playgrounds or playhouses, pools, skating rinks, sports or athletic facilities, virtual reality rooms, and similar uses.

Use, Research and Development. An establishment or complex of structures located in a building whose dimensions are intended to foster physical, chemical and biological research and/or experimentation involving but not limited to controlled simulation of factors, development of prototypes, chemicals, commodities, pharmaceuticals, information technology, electronics and instrumentation for academic and industrial purposes.

Use, Residential. For the purpose of the Center City Form District, RESIDENTIAL USES shall be considered to encompass all of the Residential categories and sub-categories represented on the CCFBC Use Chart, and as thereafter amended, and as determined by the Planning Director pursuant to Sections 104 and 701 herein.

Use, Retail. For the purpose of the Center City Form District, RETAIL USES include the following:

Retail Service. Establishments providing services, as opposed to products, to the general public, including restaurants, hotels and motels, finance, real estate and insurance, travel agencies, health and educational services, and galleries; as well as personal services as defined in the City of Norman Zoning Ordinance.

Retail Sales. Establishments wherein the primary use is the sale of merchandise for use or consumption by the immediate purchaser.

Use, Self-Storage. A retail service establishment providing off site storage space to residents and businesses, offering convenience storage and limited warehousing services primarily for personal effects and household goods within enclosed structures having individual access, but excluding use as workshops, hobby shops, manufacturing or commercial activity.

Use, Vehicle Sales. Establishments where the primary activity taking place is the buying and selling of new or used vehicles.

Appendix A

A. Process

Upon adoption, the Center City Form Based Code (CCFBC) will be the Zoning District for all parcels within the identified Center City area except for the commercial area of Campus Corner as marked on the Center City Visioning Map and REGULATING PLAN, found in *Part 3. Section 302*. The exclusion of the commercial area of Campus Corner may be reevaluated by City Council, with input from Campus Corner property owners and stakeholders, at such time that an adequately-sized parking structure that is open to the public is completed or an appropriate funding mechanism is approved. A property owner seeking to develop or redevelop a parcel within the CCFBC District can comply with CCFBC regulations or apply for rezoning to Center City Planned Unit Development (CCPUD).

1. A property owner and/or applicant must attend a Pre-Application Conference (as defined in *Part 2. Section 204.A.*) prior to choosing to comply with CCFBC, or to apply for voluntary participation in any Pattern Zoning program or overlay adopted for applicable CC Form District properties, or apply for rezoning to CCPUD.
2. If the CCFBC is chosen, the administrative process established in *Part 2. Administration* of the CCFBC will be used for site plan review, demolition permit and preliminary plat through the Development Review Committee after staff review. Final Plat will require City Council approval. Any parcel formerly designated as C-3 immediately prior to the adoption of the CCFBC shall not be subject to any maximum building height or parking restrictions contained within the CCFBC. Properties zoned C-2 and located on Gray Street extending from Lahoma Aveune on the West to the railroad tracks on the East shall also be exempt from the minimum parking requirements of the CCFBC when redeveloped.
3. If CCPUD is chosen, the property owner and/or DEVELOPMENT applicant is required to comply with the rezoning process outlined within *Chapter 36, Section 571* of the City of Norman Code of Ordinances. The primary goal of the new CCPUD category is to provide flexibility (beyond that provided in *Section 206. Administrative Adjustments*) when a property owner seeks to comply with the intent and goals of the FBC but seeks relief regarding specific requirements of the FBC. Examples of DEVELOPMENT seeking relief might be, but are not limited to, construction of affordable housing, or housing that encourages aging in place, or other emerging trends in housing.
4. If voluntary participation in Pattern Zoning is chosen, the applicant must follow any procedures established therein, in conjunction with CC Form District requirements, as applicable.

B. Incentives

The following incentives will be provided to encourage property owners and/or applicants to use the CCFBC.

1. Administrative approval of DEVELOPMENTS conforming to the Center City Form Based Code.
2. Incentives identified by City Council under a properly adopted Project Plan for Tax Increment Financing.
3. Pattern Zoning program or overlay incentives that may be adopted for applicable CC Form District properties.

Appendix B

SEC. 520 CENTER CITY PLANNED UNIT DEVELOPMENT

A. **Statement of Purpose:** It is the intent of this section to provide an alternative zoning district for the Center City Area as defined in the Center City Form Based Code (CCFBC). This Center City Planned Unit Development District (CCPUD) is specifically catering to the Center City Area because of the size of lots, the lack of vacant land and other distinguishing characteristics in this area that make the use of the existing PUD regulations not feasible. The CCPUD encourages DEVELOPMENTS that create the character of DEVELOPMENT envisioned in the CCFBC.

Specifically, the purposes of this section are to:

1. Provide an alternative zoning district to the CCFBC where a property owner proposes a DEVELOPMENT that does not meet the strict regulations required in the CCFBC.
2. Provide open space/street space that is compatible with the concepts of the CCFBC.
3. Provide comprehensive and innovative planning and design for a DEVELOPMENT which is consistent and compatible with surrounding DEVELOPMENTS.
4. Provide more efficient and economic use of land resulting in an urban/pedestrian environment.
5. Provide complete and useful information which will enable the Planning Commission and City Council to make more informed decisions on land use.
6. Encourage DEVELOPMENTS that achieve community goals, such as, but not limited to, aging in place, or affordable housing, or other emerging trends in housing, that may not be able to meet all the required elements of the Center City Form Based Code.

B. **Uses Permitted.** The CCPUD regulations are designed to provide for any mix of uses. There are no specifically prescribed uses which are permitted within the boundaries of the Center City Area in order to increase creativity and flexibility in the Center City Area when DEVELOPMENT according to the CCFBC is not feasible. The owner/applicant will be responsible for the preparation of a list of permitted uses within the specific CCPUD. The development of the list shall take into account the nature and purpose of the CCPUD area, and such uses and locations shall be appropriate in order to protect and be in harmony with surrounding DEVELOPMENT.

C. Standards of Development.

1. Ownership control. Applicants submitting an application for approval of a CCPUD must be the owner of the property. The approved CCPUD shall be binding on all subsequent owners of the land until revised as authorized in this section.
2. Minimum District Area. Any legally existing lot in the Center City Area.
3. Parking and off street loading. All uses established within a Planned Unit Development shall comply with the off street parking and loading requirements as established in *Part 6. Parking and Loading Standards* of the CCFBC. Properties currently zoned C-3 in the Center City area as of the date of approval by City council of the CCFBC shall have no parking requirements.
4. Perimeter requirements. In order to assure compatibility with surrounding DEVELOPMENT, the developer shall submit specific information as to the setbacks, building height, coverage factors and other elements necessary for all perimeter lots that are adjacent to the boundary of the CCPUD District, or adjacent to any boundary or perimeter street right of way. While no specific setback requirements are herein established, the Planning Commission and City Council shall consider the nature, extent and character of the adjacent DEVELOPMENT and shall take into consideration the types of area regulations applicable to those adjacent properties.
5. Open Space requirements. Open space is an essential ingredient in a Planned Unit Development and is one of the most basic and important design elements. A minimum amount of open space must be provided consistent with the requirements of the CCFBC. A property owners' association shall be required if arrangements for improving, operating and maintaining all such common open space areas and other communally-owned facilities have not been completed in a manner satisfactory to the City of Norman.
6. Property Owners' Associations. The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction and maintenance of common elements. All legal instruments setting forth a plan or manner of permanent care and maintenance of such common elements shall be approved by the City Attorney as to legal form and effect, and by City Council as to the suitability of the proposed use of the common elements.
7. Building Height. The height of structures on the west side of University Boulevard extending from Boyd Street to the alley north of Apache Street shall be a maximum of three stories. Properties currently zoned C-3 in the Center City area as of the date of approval by City Council of the CCFBC shall have no height requirements.
8. Central Core Area of Norman sprinkling requirements. Within the Center City Form-Based Code Area of Norman exhibited in Norman Code 36-540, and as that area is contained within the Central Core Area of Norman (see map exhibit to Norman Code 36-550) and two-family(duplex)

structure with four or more BEDROOMS per unit is required to be sprinkled per the requirement in Section P2904 of the International Residential Code (IRC) or NFPA 13D, or as these documents are amended.

9. A theater, including one that sells alcoholic beverages in compliance with state law, may be incorporated into appropriate CCPUD's.

D. Application Procedures. The Planned Unit Development application procedure shall consist of three phases.

1. Pre-application conference. Before submitting an application for any CCPUD, the landowner, or his authorized agent, shall schedule a Pre-application conference with City Staff. The intent of this conference is to provide guidance to the applicant prior to submitting a zoning application and to identify the information necessary for filing the application. The pre-application information shall include the following:
 - a. Boundaries of the property involved;
 - b. Existing zoning of the area and zoning of adjoining properties;
 - c. Existing roadways, easements and waterways;
 - d. A site development plan at a level of detail sufficient to indicate to the City the nature and scope of the project as to its magnitude in terms of approximate number and types of DWELLING UNITS, location and extent of non residential elements, proposed locations of open space areas, and major circulation facilities; and
 - e. Proposed treatment of the perimeter of the CCPUD.
2. Zoning application. The application for the CCPUD shall consist of a simultaneous submission of a rezoning application, site development plan and subdivision plat, if applicable.

The Rezoning Application/Site Development Plan and subdivision plat, if applicable, shall include at least the following information:

- a. Proposed title of the project and name of any engineer, architect, land planner, landscape architect, or company responsible for various elements of the plan.
- b. Site development plan of the property indicating the location of different land uses, dwellings by types and numbers, and areas proposed for open space and recreational use.
- c. All setback lines for all properties shall be shown.
- d. If the project is to be developed in more than one phase, the boundaries of each proposed phase shall be clearly indicated on the development plan.
- e. Calculations shall be submitted of the total number of gross acres in the project, and the acres and percentages thereof proposed to be devoted to the different dwelling types, commercial or other non residential uses, as well as streets, parks, schools, and other reservations.

- f. Tabulation of the total number of DWELLING UNITS by various types in the project and if the project is to be developed in phases, by each phase within the project.

The CCPUD zoning application will be reviewed by Staff and their recommendation shall be forwarded to the Planning Commission for a public hearing and the public hearing shall be legally advertised as specified in Section 36-571 of the Zoning Ordinance.

At the public hearing before the Planning Commission, the applicant and interested citizens will have the opportunity to discuss the merits of the CCPUD proposal. The Planning Commission will assess the proposal in light of ordinance guidelines and will take action after weighing the recommendations of the Staff, the applicant's presentation, and the community's response. The Commission shall recommend approval; recommend approval conditioned on specified modifications; or recommend disapproval of the CCPUD application.

After the CCPUD application is reviewed by the Planning Commission, it will be forwarded to the City Council for their action. The City Council may grant; deny; defer for requested changes or information; or return the application to the Planning Commission for further study. The Council may direct the Planning Commission to reconsider specific aspects of the CCPUD application.

If the City Council approves the CCPUD application, it shall be in the form of an Ordinance which shall specify all conditions and schedules necessary to insure that the proposed CCPUD is accomplished. The applicant is permitted to construct the CCPUD in more than one phase or stage of construction. In such cases, the applicant shall clearly indicate on the Site Development Plan map the boundaries of each proposed phase and any common elements to be constructed with each phase.

E. Submission requirements. As part of the application process for a CCPUD the applicant shall be required to submit the following documents and information:

1. CCPUD zoning district narrative.
 - a. A statement describing the general character of the total DEVELOPMENT and including the rationale behind the assumptions and choices represented in the application.
 - b. Quantitative data including the following information:
 - (i) Parcel size;
 - (ii) Types and numbers of permitted uses and the square footage areas of each category of use;
 - (iii) Proposed building coverage;
 - (iv) Total square footage of common open space by type.
 - c. A Site Development Plan meeting the following requirements:
 - (i) Submitted on one or more sheets not to exceed 24 inches by 36 inches, including a small scale vicinity map;

- (ii) To scale (scale indicated) and directionally oriented, such scale to be as large as possible in order to indicate as much detail as possible;
 - (iii) Lot lines;
 - (iv) Existing and proposed circulation system of all streets, including off street parking areas, service areas, loading areas, and major points of access to public rights of way (ingress and egress);
 - (v) Existing and proposed pedestrian circulation systems;
 - (vi) Proposed treatment of the perimeter of the property, including materials and techniques used such as screens, fences and walls, as well as description of uses, setbacks, and the relationship to surrounding uses;
 - (vii) General schematic landscape plan of the treatment of the area used for private and common open spaces;
 - (viii) Location and size of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi public use;
 - (ix) Location, dimensions, nature of all existing and proposed easements and public improvements;
 - (x) Location of structures;
 - (xi) Indication of existing natural features of the property, including water courses, floodplains, unique natural features, and vegetation;
 - (xii) A legal description of the total site proposed for DEVELOPMENT;
 - (xiii) A DEVELOPMENT schedule indicating the approximate date when construction of the CCPUD, or phases of the CCPUD, can be expected to begin and be completed;
 - (xiv) A statement of the applicant's intentions with regard to the future selling or leasing of all, or portions, of the CCPUD, including land areas and DWELLING UNITS; and
 - (xv) A Preliminary Plat, if applicable, submitted in accordance with Chapter 30.
2. Final Plat. If a subdivision plat is required, the following additional information shall be provided with the Final Plat:
- a. A description of the maintenance provisions of the DEVELOPMENT;
 - b. A final subdivision plat;
 - c. A survey of the property;
 - d. Any changes to the approved DEVELOPMENT schedule, including:
 - e. Starting date;
 - f. Dates when various phases are projected to be completed.
 - g. An updated site development plan;

- h. All legal instruments or covenants in a recordable form. Any such covenants shall stipulate that items of interest to the City of Norman, such as the DEVELOPMENT schedule, permitted uses, and disposition of any required open space, may not be altered by the developer or the property owners association without the specific approval of the City.
- F. Administration. Applications for any building permit within an approved CCPUD, which vary from the standards and conditions set forth in the approved CCPUD, may be approved by the Planning Director within the following guidelines:
1. Does not increase the proposed floor area for non residential use by more than five percent (5%). Does not increase total number of DWELLING UNITS by more than five percent (5%) within a given phase.
 2. Does not increase total building coverage by more than five percent (5%).
 3. Does not increase building height by more than five percent (5%).
 4. Provides for a decrease of up to ten percent (10%) in land coverage, height, or number of DWELLING UNITS.

Appendix C

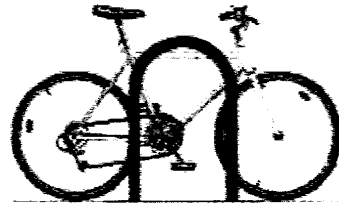
Bicycle Parking Design Guidelines

1. THE RACK ELEMENT

Definition: the rack element is the part of the bike rack that supports one bicycle.

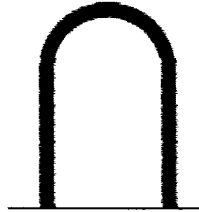
The rack element should:

- Support the bicycle upright by its frame in two places
- Prevent the wheel of the bicycle from tipping over
- Enable the frame and one or both wheels to be secured
- Support bicycles without a diamond-shaped frame with a horizontal top tube (e.g. a mixte frame)
- Allow front-in parking: a U-lock should be able to lock the front wheel and the down tube of an upright bicycle
- Allow back-in parking: a U-lock should be able to lock the rear wheel and seat tube of the bicycle

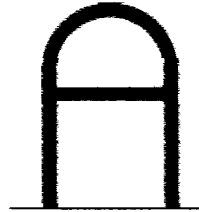


Comb, toast, school-yard, and other wheel-bending racks that provide no support for the bicycle frame are NOT recommended.

The rack element should resist being cut or detached using common hand tools, especially those that can be concealed in a backpack. Such tools include bolt cutters, pipe cutters, wrenches, and pry bars.



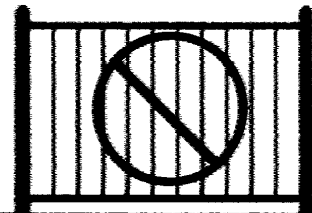
INVERTED "U"
One rack element supports two bikes.



"A"
One rack element supports two bikes.



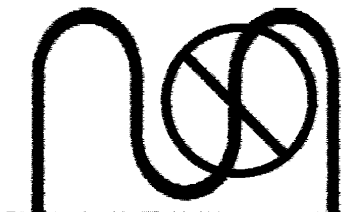
POST AND LOOP
One rack element supports two bikes.



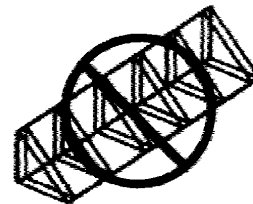
COMB
One rack element is a vertical segment of the rack.



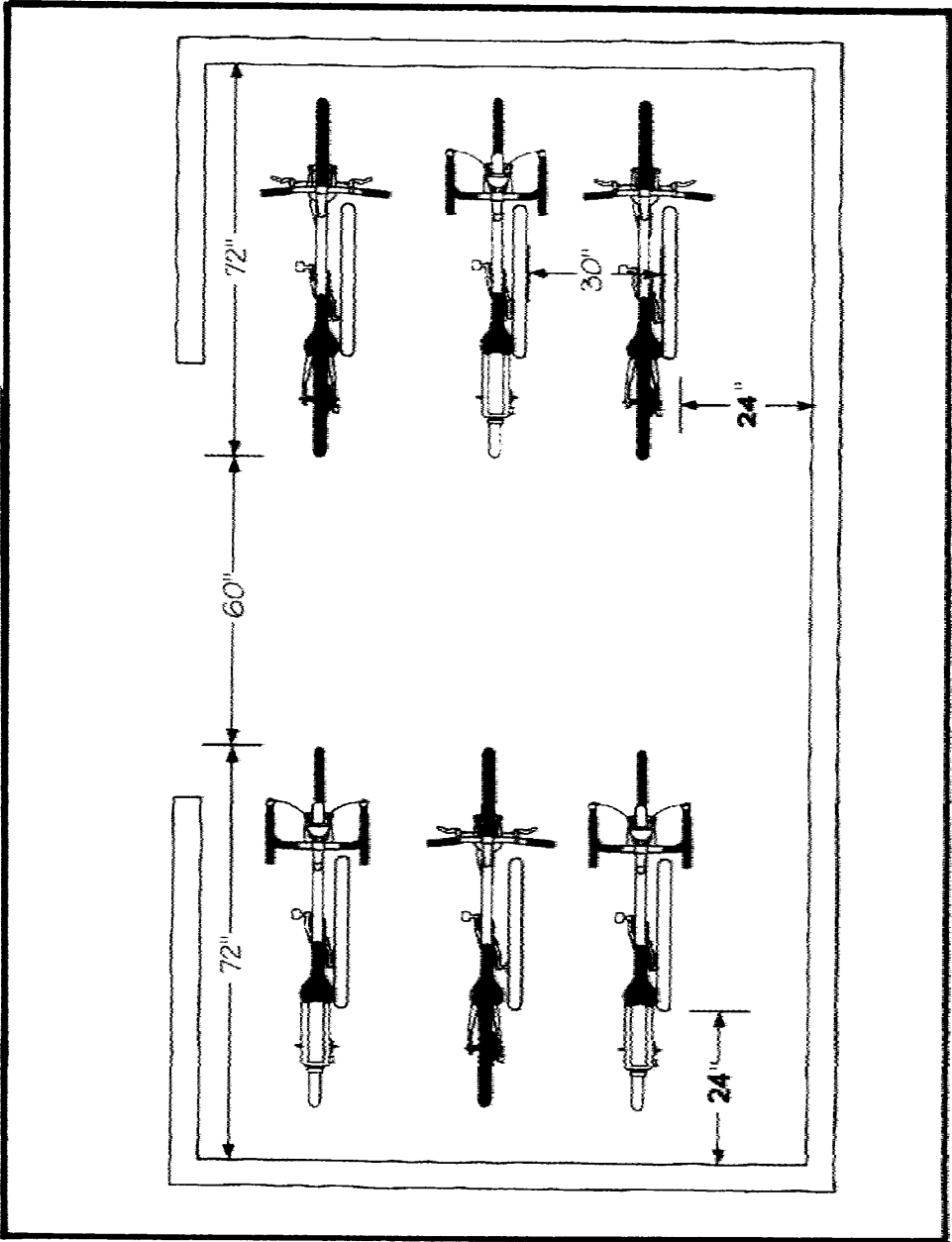
Not recommended



WAVE
One rack element is a vertical segment of the rack. (see additional discussion on page 3)



TOAST
One rack element holds one wheel of a bike.



File Attachments for Item:

28. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE NO. O-2223-47 UPON SECOND AND FINAL READING: AN ORDINANCE AMENDING THE CENTER CITY FORM BASED CODE, ADOPTED BY REFERENCE IN CHAPTER 36 (“ZONING”) AT SECTION 36-540, OF THE CODE OF THE CITY OF NORMAN, TO AMEND THE CENTER CITY REGULATING PLAN MAP TO AMEND THE REQUIRED BUILD LINE ALONG THE NORTH SIDE OF BOYD STREET FROM A POINT STARTING WEST OF MONNETT AVENUE AND CONTINUING TO THE BNSF RAILROAD RIGHT-OF-WAY; AND PROVIDING FOR THE SEVERABILITY THEREOF. **(POSTPONED UNTIL AUGUST 22, 2023)**



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 08/08/2023

REQUESTER: City of Norman

PRESENTER: Jane Hudson, Director of Planning & Community Development

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE NO. O-2223-47 UPON SECOND AND FINAL READING: AN ORDINANCE AMENDING THE CENTER CITY FORM BASED CODE, ADOPTED BY REFERENCE IN CHAPTER 36 (“ZONING”) AT SECTION 36-540, OF THE CODE OF THE CITY OF NORMAN, TO AMEND THE CENTER CITY REGULATING PLAN MAP TO AMEND THE REQUIRED BUILD LINE ALONG THE NORTH SIDE OF BOYD STREET FROM A POINT STARTING WEST OF MONNETT AVENUE AND CONTINUING TO THE BNSF RAILROAD RIGHT-OF-WAY; AND PROVIDING FOR THE SEVERABILITY THEREOF. **(POSTPONED UNTIL AUGUST 22, 2023)**

BACKGROUND:

On June 14, 2022, City Council adopted its most recent amendments to the Center City Form Based Code (CCFBC). These amendments to the CCFBC were forwarded to Planning Commission and City Council with a recommendation of support from the Center City Administrative Delay Ad Hoc Committee. The development community and staff have been working with this round of amendments for about a year and have found that corrections and clean-up of the document are needed. As a result, proposed is a revision to amend a portion of the Required Build Line (RBL) along the north side of Boyd Street developed.

Upon direction, City Staff prepared an ordinance amendment to Center City Form Based Code Regulating Plan Map. The proposed amendment will affect nine parcels along the north side of Boyd Street from the parcel on the northwest corner of Monnett Avenue and Boyd Street to the parcel located at the intersection of the BNSF Railroad right-of-way and Boyd Street. The attached Center City Form Based Code Regulating Plan Map reflects the proposed revision to change the existing RBL from nine (9') feet behind the front property line to three (3') feet behind the front property line.

DISCUSSION:

As mentioned, the development community and staff have been working with this round of amendments for about a year and have found that corrections and clean-up of the document are needed. The RBL for the subject area along the north side of Boyd Street is not consistent with the remainder of Boyd Street or other similar areas in the Center City. The proposed amendment

to bring the RBL forward to three (3') feet behind the front property line would make this section of Boyd Street consistent with the remainder of Boyd Street, an important factor as the area continues to develop.

An aerial view of Boyd Street shows that structures in Campus Corner are built closer to the front property line than the existing RBL for the subject area. Moving the RBL forward will make future developments in-line with other structures further west on Boyd Street. Construction of buildings at or near the property line is one of the essential elements of the CCFBC. It furthers one of the specific goals of the Center City: to help create a walkable pedestrian-friendly atmosphere with mixed-use and residential developments along corridors.

Some residential structures already built on the affected parcels would not meet the proposed RBL. However, existing structures would not be required to meet the RBL unless those properties are redeveloped at some point in the future. Two structures located on affected lots do not currently satisfy the existing RBL but would be compliant with the proposed RBL, subject to compliance with other CCFBC process and code requirements.

CONCLUSION:

Staff forwards this proposal for amendments to the CCFBC as Ordinance No. O-2223-47 for consideration by City Council.

At their July 13, 2023 meeting, Planning Commission failed to pass a motion to recommend adoption of Ordinance No. O-2223-47, by a vote of 1-6.

Ordinance No. O-2223-47

AN ORDINANCE AMENDING THE CENTER CITY FORM BASED CODE, ADOPTED BY REFERENCE IN CHAPTER 36 (“ZONING”) AT SECTION 36-540, OF THE CODE OF THE CITY OF NORMAN, TO AMEND THE CENTER CITY REGULATING PLAN MAP TO AMEND THE REQUIRED BUILD LINE ALONG THE NORTH SIDE OF BOYD STREET FROM A POINT STARTING WEST OF MONNETT AVENUE AND CONTINUING TO THE BNSF RAILROAD RIGHT-OF-WAY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

- § 1. That Section 36-540 of Chapter 36 of the Code of the City of Norman shall be amended so as to replace the Center City Regulating Plan Map, 302.B, of the Center City Form Based Code document, shall be amended and replaced in a manner consistent with this ordinance.
- § 2. That the changes incorporated in the above Center City Regulating Plan Map alter the Required Build Line (“RBL”) located along Boyd Street, starting at a point approximately 140 feet west of Monnett Avenue right of way, and continuing east to where the RBL meets the BNSF Railroad Right-of-Way boundary, where the center of said RBL will be located, going forward, three (3) feet behind the respective southern property lines for each affected parcel or lot.
- § 3. That RBL relocation will occur upon the following described lots:

Lot 42 in Block 4, of State University Addition, to Norman, Cleveland County, Oklahoma

and

Lots 18-36A in Block 3, of State University Addition, to Norman, Cleveland County, Oklahoma.

§ 4. 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.

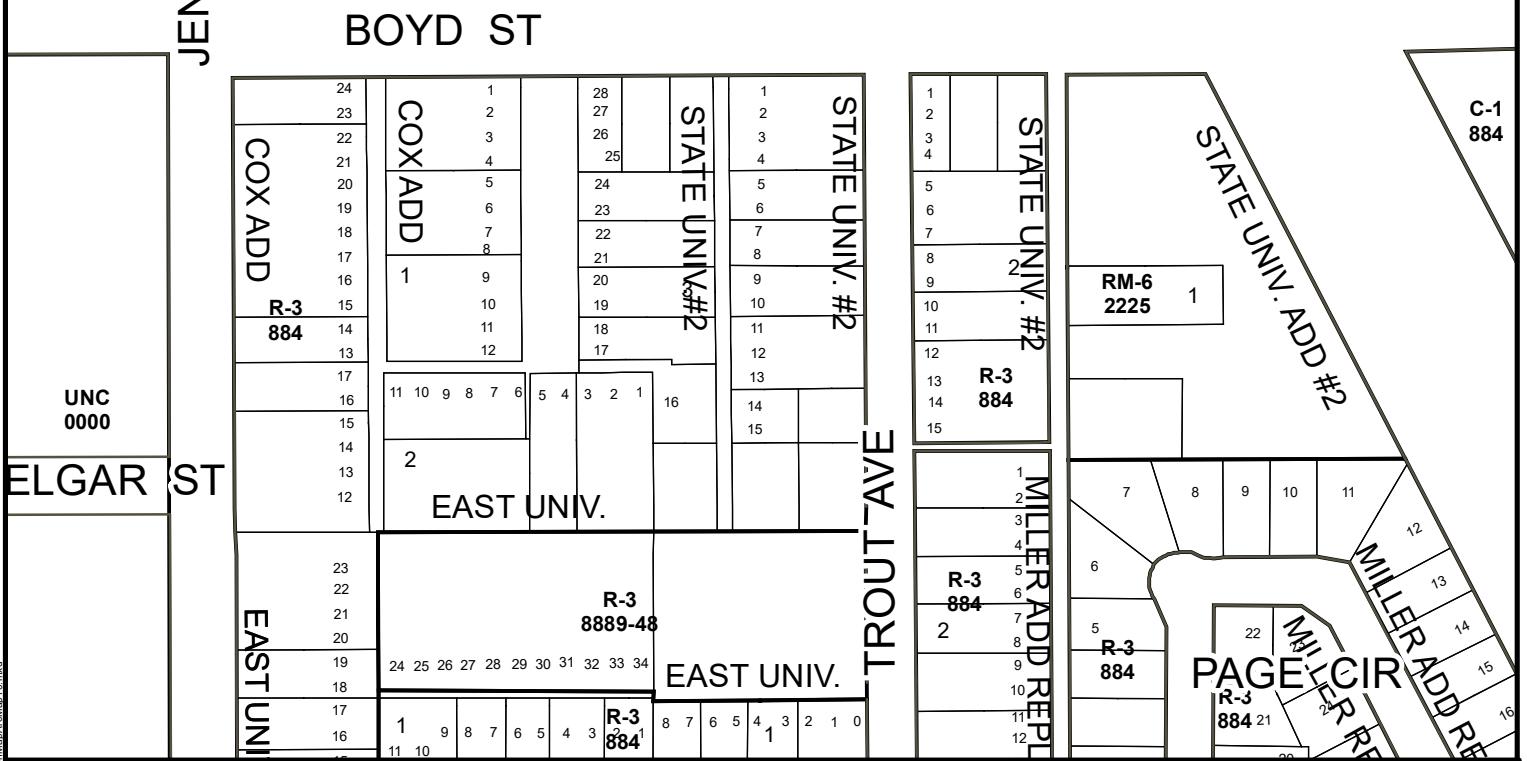
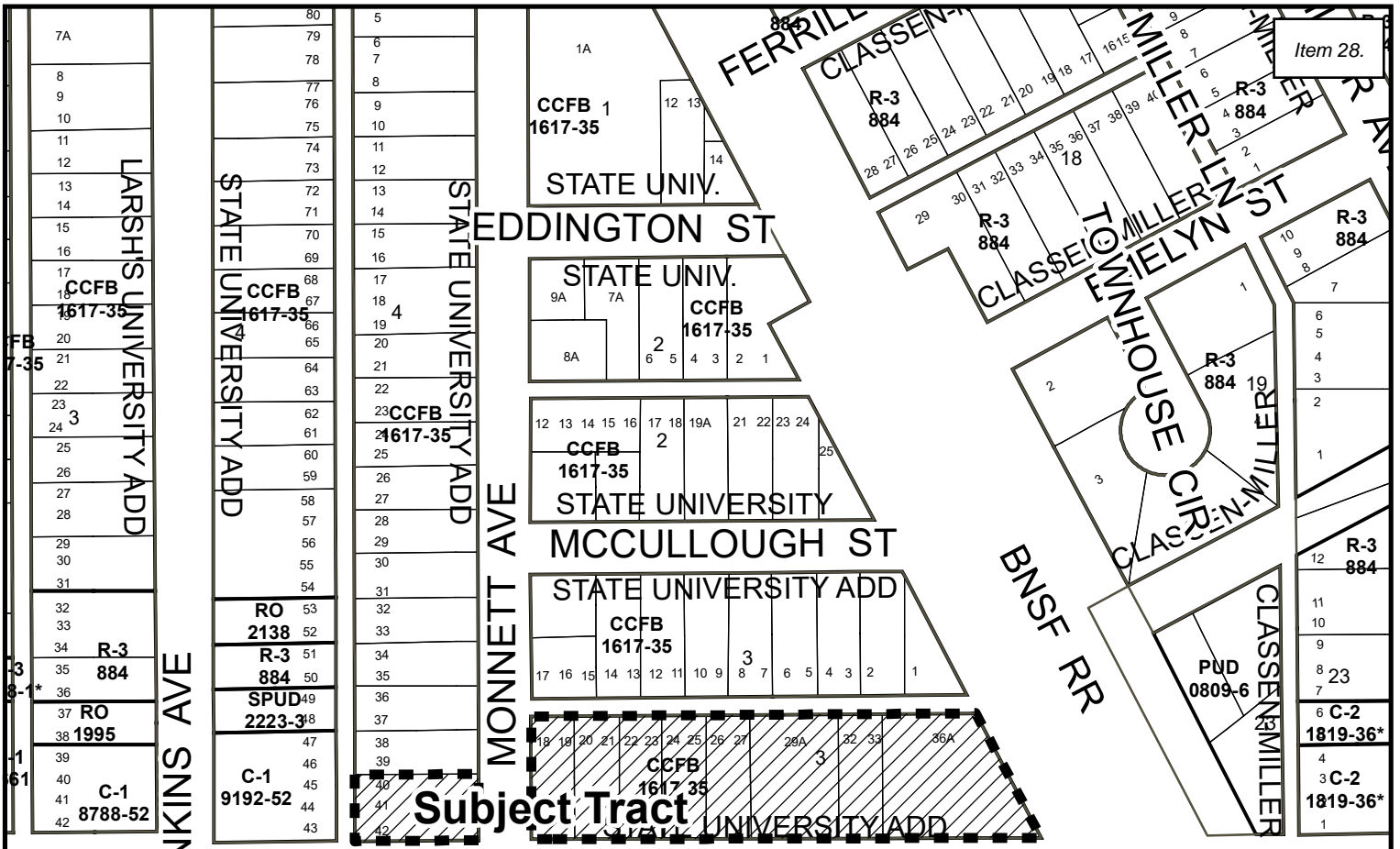
NOT ADOPTED this _____ day
of _____, 2023.

(Mayor)

(Mayor)

ATTEST:

(City Clerk)



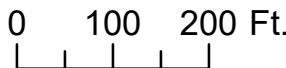
Location Map




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 16, 2023



 Subject Tract

ORDINANCE NO. O-2223-47

ITEM NO. 17

STAFF REPORT

ITEM: AN ORDINANCE AMENDING THE CENTER CITY FORM BASED CODE, ADOPTED BY REFERENCE IN CHAPTER 36 ("ZONING") AT SECTION 36-540, OF THE CODE OF THE CITY OF NORMAN, TO AMEND THE CENTER CITY REGULATING PLAN MAP TO AMEND THE REQUIRED BUILD LINE ALONG THE NORTH SIDE OF BOYD STREET FROM A POINT STARTING WEST OF MONNETT AVENUE AND CONTINUING TO THE BNSF RAILROAD RIGHT-OF-WAY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

BACKGROUND:

On June 14, 2022, City Council adopted its most recent amendments to the Center City Form Based Code (CCFBC). These amendments to the CCFBC were forwarded to Planning Commission and City Council with a recommendation of support from the Center City Administrative Delay Ad Hoc Committee. The development community and staff have been working with this round of amendments for about a year and have found that corrections and clean-up of the document are needed. As a result, proposed is a revision to amend a portion of the Required Build Line (RBL) along the north side of Boyd Street developed.

Upon direction, City Staff prepared an ordinance amendment to Center City Form Based Code Regulating Plan Map. The proposed amendment will affect nine parcels along the north side of Boyd Street from the parcel on the northwest corner of Monnett Avenue and Boyd Street to the parcel located at the intersection of the BNSF Railroad right-of-way and Boyd Street. The attached Center City Form Based Code Regulating Plan Map reflects the proposed revision to change the existing RBL from nine (9') feet behind the front property line to three (3') feet behind the front property line.

DISCUSSION:

As mentioned, the development community and staff have been working with this round of amendments for about a year and have found that corrections and clean-up of the document are needed. The RBL for the subject area along the north side of Boyd Street is not consistent with the remainder of Boyd Street or other similar areas in the Center City. The proposed amendment to bring the RBL forward to three (3') feet behind the front property line would make this section of Boyd Street consistent with the remainder of Boyd Street, an important factor as the area continues to develop.

An aerial view of Boyd Street shows that structures in Campus Corner are built closer to the front property line than the existing RBL for the subject area. Moving the RBL forward will make future developments in-line with other structures further west on Boyd Street. Construction of buildings at or near the property line is one of the essential elements of the CCFBC. It furthers one of the specific goals of the Center City: to help create a walkable pedestrian-friendly atmosphere with mixed-use and residential developments along corridors.

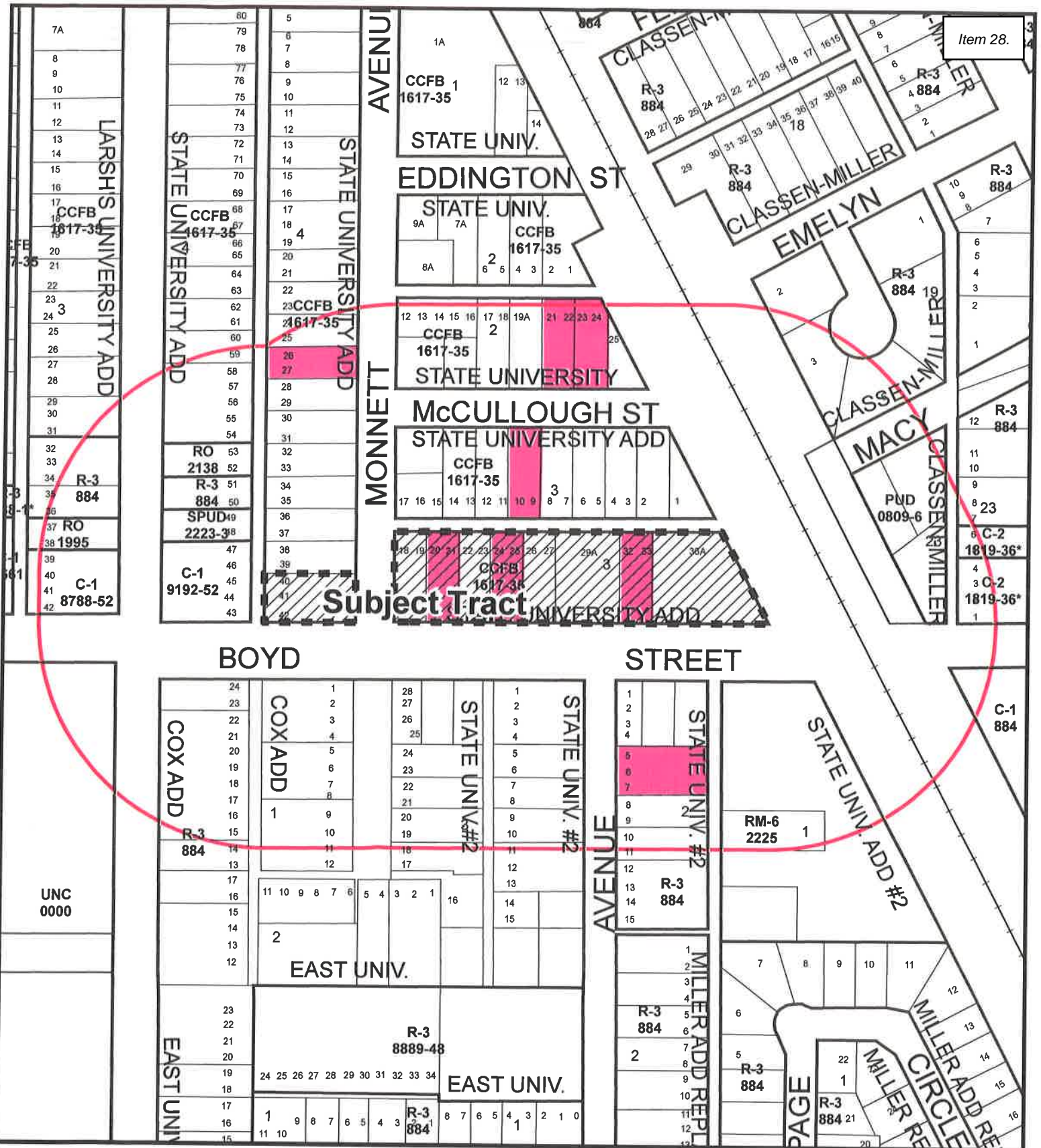
The parcels with existing structures included within this proposed amendment constructed prior to the adoption of the CCFBC. These parcels would only be required to meet the proposed RBL if the property redevelops.

CONCLUSION:

Staff forwards this proposal for amendments to the CCFBC as Ordinance No. O-2223-47 for consideration by the Planning Commission and a recommendation to City Council.

Item 13 – Ordinance No. O-2223-47
Protests as of June 7, 2023

Item 28.

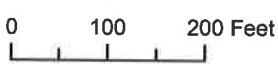


Protest Map

8.70% 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.



-  Subject Tract
-  Notification Area
-  Protest

Gray Sea, LLC
4104 Hidden Lake Circle, Moore, Ok 73160
405-659-9374

June, 4, 2023


To the Norman Planning Commission:

The purpose of this letter is to formally protest the amendment to the Center City Regulating Plan MAP for property generally located on the north side of Boyd Street from the west side of Monnett Street to the BNSF Railroad right-of-way, specifically, the change of existing required Build Line (RBL) to three (3) feet from the front property line.

As a property owner within these boundaries, we feel that the proposed change would provide a hazard to existing properties, primarily our property located at 301 E. Boyd. Residents use the driveway provided to park their vehicles. Our home sits back 25 feet from the front property line, and with the proposed changes would make sight lines impossible to see and extremely dangerous for our tenants backing out onto Boyd Street, restricting their view from the westbound traffic as well as pedestrian traffic on the sidewalks. Our home is a newer home, built in 2015, so this proposed change would be a concern to public safety and possible liability for many years to come, if passed.

Along with safety concerns, is the aesthetic consistency among the properties, that most do not find appealing.

Sincerely,



Charles M. Pierce, Member/Manager
Gray Sea, LLC.

Kimber Lynn Cochran-Pierce, Member/Manager
Gray Sea, LLC.

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/5/23

To whom it may concern,

We are against any changes to the RBL along the corridor on Boyd St. from Monnett to the railroad tracks along the north side of Boyd st.



Rob Uhles

RU2 Properties, LLC

221 McCullough

**FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/5/23**

To whom it may concern,

We are against any changes to the RBL along the corridor on Boyd St. from Monnett to the railroad tracks along the north side of Boyd st.



Rob Uhles

RU2 Properties, LLC

215 E. Boyd

**FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/5/23**

6/5/23

TO WHOM IT MAY CONCERN:

Re: Change of Amendment

I am opposed to the amendment to change the existing RBL on Boyd Street from the west side of Monnett Street to the BNSF railroad right-of way.

223 McCullough LLC

A handwritten signature in black ink, appearing to read "Tammy McCown", is written over a solid horizontal line.

Tammy McCown
Authorized signer for 223 McCullough LLC

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/5/23

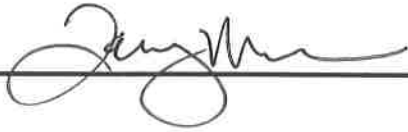
6/5/23

TO WHOM IT MAY CONCERN:

Re: Change of Amendment

I am opposed to the amendment to change the existing RBL on Boyd Street from the west side of Monnett Street to the BNSF railroad right-of way.

Emmijane LLC



Tammy McCown
Authorized signer for Emmijane LLC

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/5/23

6/5/23

TO WHOM IT MAY CONCERN:

Re: Change of Amendment

I am opposed to the amendment to change the existing RBL on Boyd Street from the west side of Monnett Street to the BNSF railroad right-of way.

824 Monnett LLC

A handwritten signature in black ink, appearing to read "Tammy McCown", is written over a horizontal line.

Tammy McCown
Authorized signer for 824 Monnett LLC

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/5/23

6/5/23

TO WHOM IT MAY CONCERN:

Re: Change of Amendment

I am opposed to the amendment to change the existing RBL on Boyd Street from the west side of Monnett Street to the BNSF railroad right-of way.

1011 Trout LLC



Shelby Croslin
Authorized signer for 1011 Trout LLC

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/5/23

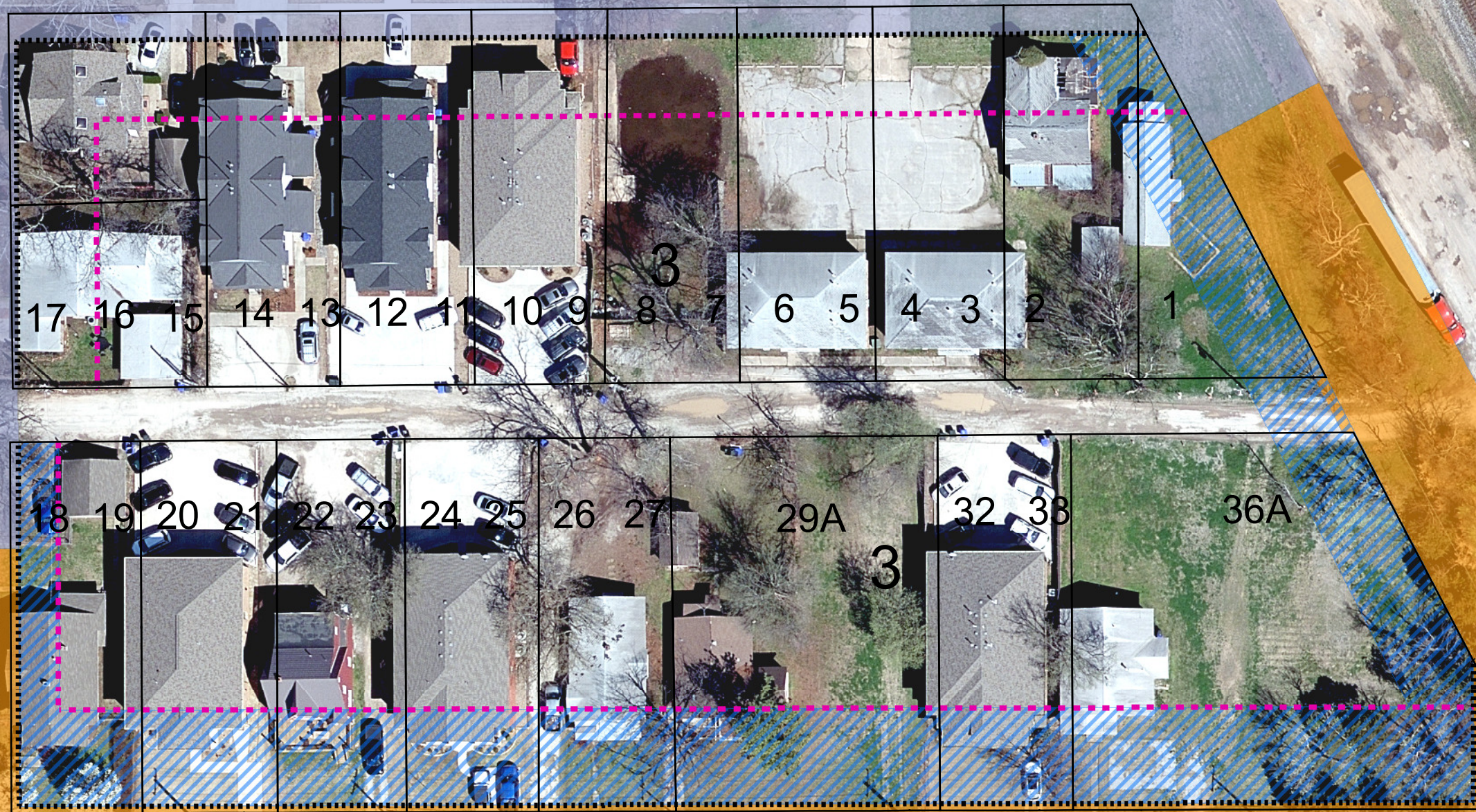
Legend

- CCFBC Required Build Line
- - - CCFBC Lot Building Limit
- . - . CCFBC Parking Setback
- Blue diagonal lines 5th Story Setback
- Pink diagonal lines Special Site Condition
- Grey diagonal lines CCFBC Exception

CCFBC Building Form Standard

- Yellow Detached
- Orange Urban General
- Blue Urban Residential
- Red Urban Storefront

MCCULLOUGH ST

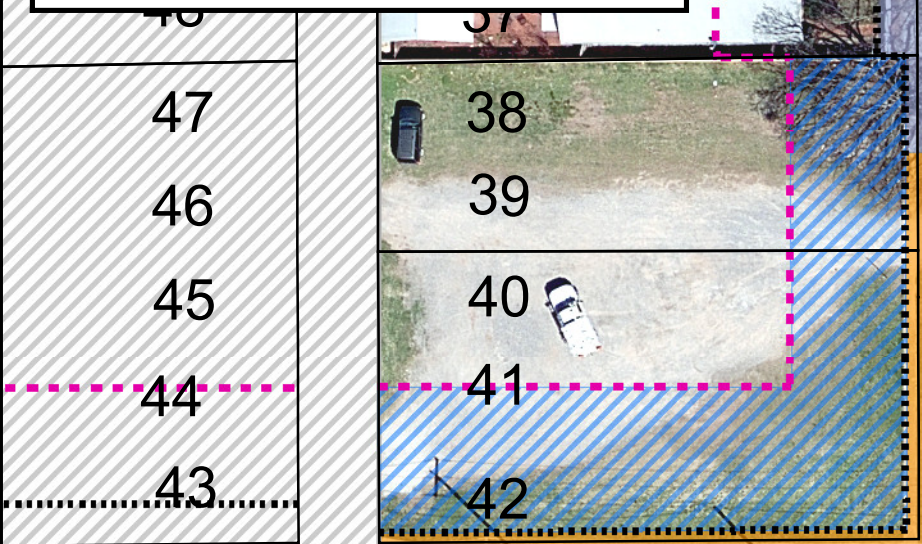


MONNETT AVE

Proposed

BOYD ST

TROUT AVE



Legend

- CCFBC Required Build Line
- - - CCFBC Lot Building Limit
- · - · CCFBC Parking Setback
- ▨ 5th Story Setback
- ▨ Special Site Condition
- ▨ CCFBC Exception

CCFBC Building Form Standard

- Detached
- Urban General
- Urban Residential
- Urban Storefront



File Attachments for Item:

29. CONDUCTING AND CLOSING A PUBLIC HEARING FOR CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF AN AMENDMENT TO THE ADOPTED FISCAL YEAR 2023-2024 CITY OF NORMAN AND NORMAN UTILITIES AUTHORITY OPERATING BUDGETS; CREATING AN ATHLETIC FACILITY SPECIAL REVENUE FUND; AND APPROPRIATING ANTICIPATED REVENUE.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 08/08/2023

REQUESTER: Anthony Francisco, Director of Finance

PRESENTER: Anthony Francisco, Director of Finance

ITEM TITLE: CONDUCTING AND CLOSING A PUBLIC HEARING FOR CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF AN AMENDMENT TO THE ADOPTED FISCAL YEAR 2023-2024 CITY OF NORMAN AND NORMAN UTILITIES AUTHORITY OPERATING BUDGETS; CREATING AN ATHLETIC FACILITY SPECIAL REVENUE FUND; AND APPROPRIATING ANTICIPATED REVENUE.

BACKGROUND:

Construction on one of the “crown jewels” of the NORMAN FORWARD quality of life program, the Young Family Athletic Center (YFAC) is nearing completion. Quoting from the NORMAN FORWARD Implementation Plan accepted by the City Council in March, 2023, “the combined Indoor Multi-Sport and Aquatic Center will be named the “Young Family Athletic Center” after Norman native, NBA All-Star and University of Oklahoma alumnus Trae Young. The aquatic portion of the building will feature two pools: an 8-lane, 25-meter competition pool with spectator seating and a 4-lane, 25 meter pool used as a warm-up pool during competitions. The Multi-Sport (gymnasiums) portion of the building will each house 8 basketball courts or 12 volleyball courts. Norman Regional Health System is developing the “NMotion” space, which will serve as a sports and human performance center and physician clinic. Other YFAC amenities include concessions, a small retail space, administrative offices, tournament and team breakout rooms, public restrooms, and other support areas.”

On February 9, 2021, the Council approved Contract K-2021-93, a Memorandum of Understanding with Santa Fe Family Life Centers, for the third-party operation of the YFAC, and directing staff to negotiate terms of a final operating contract. Negotiations between City staff and Santa Fe did not result in a final operational contract.

On June 13, 2023, the voters of Norman approved an increased water rate structure for customers of the Norman Utilities Authority, effective in September, 2023. This voter approval came after the adoption of the fiscal year 2023-24 budget.

DISCUSSION:

As discussed by the City Council in the July 25, 2023 Study Session, and by the NORMAN FORWARD Citizen's Financial Oversight Board (CFOB) at the July 18, 2023 CFOB meeting, it has been decided that the YFAC can be more efficiently and effectively operated by staff of the City's Park and Recreation Department. In order to implement this operation to coincide with the opening of the facility in late 2023, major amendments to the City's fiscal year 2023-2024 operating budget are required. These amendments include allocating estimated revenues from the operations of the facility and estimated expenses for additional full and part-time staffing, supplies and materials and capital outlays.

Related to the water rate increase, estimated capital project expenditures were included in the fiscal year 2023-2024 Water Utility Department budget, but estimated revenues were not. Estimated revenues of \$3,000,000 for the remainder of FYE 24 are proposed to be included in the amended budget.

The proposed amendments to the Parks and Recreation Department and Water Utility Department budget are summarized on the attachment.

**CITY OF NORMAN, OKLAHOMA
FISCAL YEAR ENDING 2024 BUDGET AMENDMENT
SUMMARY OF FUND BALANCES**

| CITY FUND CLASSIFICATION | BEGINNING | REVENUES | | | EXPENDITURES | | | EMP TURNOVER SAVINGS | TOTAL EXPENSES | REVENUES OVER (UNDER) EXPENSES | ENDING FUND BALANCE |
|-----------------------------------|--------------------|-----------------------|------------------------|--------------------|-----------------------|------------------------|----------------------|----------------------------|--------------------|--------------------------------------|---------------------------|
| | FUND BALANCE | OPERATING REVENUES | INTERFUND TRANSFERS | TOTAL REVENUES | OPERATING EXPENSES | INTERFUND TRANSFERS | SUBTOTAL EXPENSES | | | | |
| SPECIAL REVENUE FUNDS | | | | | | | | | | | |
| Young Family Athletic Center Fund | \$ - | \$ 973,065.00 | \$ - | \$ 973,065.00 | \$ 973,065.00 | | \$ 973,065.00 | | \$ 973,065.00 | \$ - | \$ - |
| ENTERPRISE FUNDS | | | | | | | | | | | |
| Water | 86,701 | 3,000,000 | | 3,000,000 | | | 0 | | 0 | 3,000,000 | 3,086,701 |
| CAPITAL PROJECTS FUND | | | | | | | | | | | |
| Norman Forward | 2,814,461 | | | 0 | 80,000 | | 80,000 | | 80,000 | (80,000) | 2,734,461 |
| GRAND TOTAL ALL FUNDS | \$2,901,162 | \$3,973,065 | \$0 | \$3,973,065 | \$1,053,065 | \$0 | \$1,053,065 | \$0 | \$1,053,065 | \$2,920,001 | \$5,821,162 |
| Less: Interfund Transfers | | | | 0 | | | 0 | | 0 | 0 | 0 |
| Internal Service Charges | | | | 0 | | | 0 | | 0 | 0 | 0 |
| Cost Allocation Charges | | | | 0 | | | 0 | | 0 | 0 | 0 |
| Total Deductions | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| NET TOTAL ALL FUNDS | \$2,901,162 | \$3,973,065 | \$0 | \$3,973,065 | \$1,053,065 | \$0 | \$1,053,065 | \$0 | \$1,053,065 | \$2,920,001 | \$5,821,162 |

Public hearings will be held on 8/8/2023 at 6:30 p.m. in the Council Chambers of the Norman Municipal Building for the purpose of discussion of the proposed amendment. The adopted budget may be examined on weekdays at 201 West Gray in the City Clerk's office from 8:00 a.m. to 5:00 p.m. All interested citizens have the opportunity to give written and oral comments.

YFAC Budget Projections

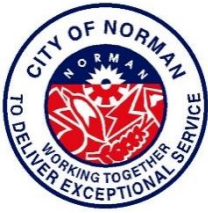
Item 29.

| Revenues | | | | Projected Fee 12 Months | Proposed FYE 24 7 Months |
|-----------------------|----------------------|-----|------|-------------------------------|--------------------------------|
| Memberships | | # | Days | | |
| | Family | 400 | -- | \$55.00 | \$154,000 |
| | Individual | 400 | -- | \$30.00 | \$84,000 |
| | Senior/Military | 125 | -- | \$25.00 | \$21,875 |
| | Sub-Total | | | | \$259,875 |
| Daily Passes | | | | | |
| | Pool | 20 | 365 | \$5.00 | \$21,292 |
| | Multi Sports | 25 | 365 | \$5.00 | \$26,615 |
| | Senior/Military | 20 | 365 | \$3.00 | \$12,775 |
| | Sub-Total | | | | \$60,681 |
| Rentals | | | | | |
| | Swim Club | 1 | | \$50,000.00 | \$29,167 |
| | Basketball Club | 1 | | \$50,000.00 | \$29,167 |
| | Volleyball Club | 1 | | \$50,000.00 | \$29,167 |
| | NPS | 1 | | \$50,000.00 | \$29,167 |
| | Optimist | 1 | | \$50,000.00 | \$29,167 |
| | Tournament | 35 | | \$10,000.00 | \$204,167 |
| | Misc. Rentals | 50 | | \$1,000.00 | \$29,167 |
| | Sub-Total | | | | \$379,167 |
| Concessions | Lease Agreement | 1 | | | \$29,167 |
| Classes | | | | | |
| | Local Leagues | | | | \$58,333 |
| | Camps | 500 | | \$50.00 | \$14,583 |
| | Aqua Fitness Classes | 500 | | \$5.00 | \$1,458 |
| | Swim Lessons | 500 | | \$50.00 | \$14,583 |
| | Sub-Total | | | | \$88,958 |
| Marketing | | | | | |
| | Video Boards | | | | \$126,051 |
| | Misc. Sponsorships | | | | \$29,167 |
| | | | | | \$155,217 |
| Total Revenues | | | | | \$973,065 |

| Expenditures | | | | Projected 12 Months | Proposed 7 Months |
|---------------------------|-------------------------------------|--|--|------------------------|----------------------|
| Salaries & Benefits | | | | | |
| | Salaries - Full Time | | | \$ 222,932.48 | \$148,622 |
| | Salaries - Part Time | | | \$ 465,554.82 | \$310,370 |
| | Salaries - Temporary | | | \$ 62,400.00 | \$41,600 |
| | Other Salaries - Overtime | | | \$ 5,000.00 | \$3,333 |
| | Retirement | | | \$ 18,949.26 | \$12,633 |
| | Health Insurance | | | \$ 76,660.00 | \$51,107 |
| | Safety Bonus | | | \$ 100.00 | \$67 |
| | Life Insurance | | | \$ 300.00 | \$200 |
| | Fica/Medicare | | | \$ 57,825.38 | \$38,550 |
| | | | | \$ 909,721.94 | \$606,481 |
| Supplies & Materials | | | | | |
| | Office | | | \$1,000 | \$583 |
| | Recreation | | | \$40,000 | \$22,638.33 |
| | Operating Chemicals & Maintenance | | | \$100,000 | \$58,333 |
| | First Aid Supplies | | | \$1,000 | \$583 |
| | Plumbing & Electrical | | | \$1,500 | \$875 |
| | Janitorial | | | \$7,500 | \$4,375 |
| | Paint and Paint Products | | | \$500 | \$292 |
| | Other Building Materials | | | \$1,000 | \$583 |
| | Safety & Protective | | | \$2,500 | \$1,458 |
| | Other - Uniforms | | | \$2,500 | \$1,458 |
| | Other - Minor Tools & Equipment | | | \$2,500 | \$1,458 |
| | | | | \$160,000 | \$92,638 |
| Other Professional | | | | | |
| | Other Professional (Certifications) | | | \$2,500 | \$1,458 |
| | Misc. Concract Services | | | \$100,000 | \$58,333 |
| | Advertising - General | | | \$40,000 | \$23,333 |
| | Office Machines & Equip. | | | \$2,500 | \$1,458 |
| | Other Miscellaneous | | | \$2,500 | \$1,458 |
| | Janitorial Contract | | | \$110,000 | \$64,167 |
| | Telephone Basic | | | \$1,000 | \$583 |
| | Telephone - Long Distance | | | \$120 | \$70 |
| | Electricity | | | \$100,000 | \$58,333 |
| | Natural Gas | | | \$50,000 | \$29,167 |
| | Water & Trash | | | \$50,000 | \$29,167 |
| | Refunds & Reimbursements | | | \$2,500 | \$1,458 |
| | | | | \$461,120 | \$268,987 |
| Internal Services Maint. | | | | | |
| | Building Repair | | | \$7,500 | \$4,375 |
| | Printing Services | | | \$400 | \$233 |
| | Workers Compensation | | | \$600 | \$350 |
| | | | | \$8,500 | \$4,958 |
| Total Expenditures | | | | \$1,236,101 | \$973,065 |

File Attachments for Item:

30. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION NO. R-2324-10: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN SO AS TO REMOVE LOT EIGHT (8), BLOCK ONE (1), OF ADBAR #2 ADDITION, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM SPECIAL PLANNING AREA THREE (SPA-3) DESIGNATION. (1001 N. University Boulevard)



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 08/08/2023

REQUESTER: Cimarron Precious Metals, Inc.

PRESENTER: Jane Hudson, Director of Planning & Community Development

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION NO. R-2324-10: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN SO AS TO REMOVE LOT EIGHT (8), BLOCK ONE (1), OF ADBAR #2 ADDITION, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM SPECIAL PLANNING AREA THREE (SPA-3) DESIGNATION. (1001 N. University Boulevard)

SUMMARY OF REQUEST: The applicant, Cimarron Precious Metals Inc., is requesting to rezone a 0.43-acre property at 1001 N. University Blvd. to Simple Planned Unit Development (SPUD). The property is currently zoned I-1, Light Industrial District. The applicant intends to keep the existing allowable uses and add two commercial uses: a bullion depository and a coin shop. This proposal also requires a NORMAN 2025 Land Use and Transportation Plan amendment to remove Special Planning Area 3 (SPA-3), while retaining the existing Commercial Designation. The applicant does not own the adjacent properties to be able to meet the required development conditions for Special Planning Area 3.

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.

The subject property and surrounding properties to the south and east are designated as Commercial within Special Planning Area 3 (SPA-3), as shown in the NORMAN 2020 and continued in the NORMAN 2025.

The applicant's property is designated as Commercial and the properties located within SPA-3 are required to meet the following development conditions:

- Front Street must be completed as planned and include the extension of Highland Parkway through this tract.
- No ingress and egress will be granted directly onto Front Street.
- Convert the site from industrial to commercial use by either adaptive re-use of existing old feed mill and accessory building or by demolition of existing structures, so as to create a unified architectural appearance, especially on all building facades facing public streets.

Since the time when this property and the surrounding properties were placed in SPA-3 with the adoption of the NORMAN 2020 and the NORMAN 2025 Plan, this area has developed differently than originally planned with SPA-3. Front Street was redesigned to be extended as N. James Garner Ave. The Central Library built a new location where the old feed mill and accessory building was located, thus preventing the extension of Highland Parkway as anticipated by the NORMAN 2025 Land Use Plan respecting SPA-3.

Surrounding properties are designated as Commercial per the NORMAN 2025 Plan. As mentioned above, properties within Special Planning Area 3 (SPA-3) currently have industrial or institutional uses. The proposed zoning change is to allow for commercial uses in an existing industrial building. The commercial use is directly related to the current activity and would not require additional infrastructure. The expected traffic impact is minor, and Public Works requires no traffic study.

CONCLUSION: Staff forwards this request for amendment of the NORMAN 2025 Land Use Plan to remove Special Planning Area 3 (SPA-3) and retain Commercial Designation as Resolution No. R-2324-10 for consideration by City Council.

At their July 13, 2023 meeting, Planning Commission unanimously recommended adoption of Resolution No. O-2324-10, by a vote of 7-0.

Resolution

R-2324-10

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN SO AS TO REMOVE LOT EIGHT (8), BLOCK ONE (1), OF ADBAR #2 ADDITION, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM SPECIAL PLANNING AREA THREE (SPA-3) DESIGNATION.
(1001 N. University Boulevard)

- § 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, Cimarron Precious Metals, Inc. has requested that the following described property be moved from the Special Planning Area Three (SPA-3) Designation for the hereinafter described property, to wit:

Lot Eight (8), Block One (1), of ADBAR #2 ADDITION, to Norman, Cleveland County, Oklahoma.

Said tract contains 0.430 acres, more or less.

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

- § 4. That the Council of the City of Norman recognizes the need to control the future growth of the City of Norman; and, that after due consideration has determined that the requested amendment 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)



RESOLUTION NO. R-2324-10

ITEM NO. 8

STAFF REPORT

ITEM: Cimarron Precious Metals, Inc. requests amendment of the NORMAN 2025 Land Use & Transportation Plan to remove Special Planning Area 3 (SPA-3), while retaining the Commercial Designation, for 0.43 acres of property located at 1001 N. University Boulevard.

SUMMARY OF REQUEST: The applicant, Cimarron Precious Metals Inc., is requesting to rezone a 0.43-acre property at 1001 N. University Blvd. to Simple Planned Unit Development (SPUD). The property is currently zoned I-1, Light Industrial District. The applicant intends to keep the existing allowable uses and add two commercial uses: a bullion depository and a coin shop. This proposal also requires a NORMAN 2025 Land Use and Transportation Plan amendment to remove Special Planning Area 3 (SPA-3), while retaining the existing Commercial Designation. The applicant does not own the adjacent properties to be able to meet the required development conditions for Special Planning Area 3.

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.

The subject property and surrounding properties to the south and east are designated as Commercial within Special Planning Area 3 (SPA-3), as shown in the NORMAN 2020 and continued in the NORMAN 2025.

The applicant's property is designated as Commercial and the properties located within SPA-3 are required to meet the following development conditions:

- Front Street must be completed as planned and include the extension of Highland Parkway through this tract.
- No ingress and egress will be granted directly onto Front Street.
- Convert the site from industrial to commercial use by either adaptive re-use of existing old feed mill and accessory building or by demolition of existing structures, so as to create a unified architectural appearance, especially on all building facades facing public streets.

Since the time when this property and the surrounding properties were placed in SPA-3 with the adoption of the NORMAN 2020 and the NORMAN 2025 Plan, this area has developed differently than originally planned with SPA-3. Front Street was redesigned to be extended as N. James Garner Ave. The Central Library built a new location where the old feed mill and

accessory building was located, thus preventing the extension of Highland Parkw anticipated by the NORMAN 2025 Land Use Plan respecting SPA-3.

Surrounding properties are designated as Commercial per the NORMAN 2025 Plan. As mentioned above, properties within Special Planning Area 3 (SPA-3) currently have industrial or institutional uses. The proposed zoning change is to allow for commercial uses in an existing industrial building. The commercial use is directly related to the current activity and would not require additional infrastructure. The expected traffic impact is minor, and Public Works requires no traffic study.

CONCLUSION: Staff forwards this request for amendment of the NORMAN 2025 Land Use Plan to remove Special Planning Area 3 (SPA-3) and retain Commercial Designation as Resolution No. R-2324-10 for consideration by Planning Commission and recommendation to City Council.



CITY OF NORMAN, OK
PLANNING COMMISSION MEETING
 Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069
 Thursday, July 13, 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 13th day of July, 2023.

Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <https://norman-ok.municodem meetings.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
 Steven McDaniel
 Liz McKown
 Kevan Parker
 Erica Bird
 Jim Griffith
 Maria Kindel

ABSENT

Douglas McClure
 Michael Jablonski

A quorum was present.

STAFF PRESENT

Jane Hudson, Planning Director
 Lora Hoggatt, Planning Services Manager
 Anais Starr, Planner II
 Melissa Navarro, Planner II
 Zach Abell, Planner I
 Roné Tromble, Admin. Tech. IV
 Beth Muckala, Assistant City Attorney
 David Riesland, Transportation Engineer
 Todd McLellan, Development Engineer
 Jack Burdett, Subdivision Development Coordinator
 Bryce Holland, Multimedia Specialist

NON-CONSENT ITEMS**NORMAN 2025 & Rezoning**

8. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Resolution No. R-2324-10: Cimarron Precious Metals, Inc. requests amendment of the NORMAN 2025 Land Use & Transportation Plan to remove property located at 1001 N. University Boulevard from Special Planning Area 3, while retaining the Commercial Designation.

ITEMS SUBMITTED FOR THE RECORD:

1. Norman 2025 Map
2. Staff Report

9. Consideration of Approval, Acceptance, Rejection, Amendment, and/or Postponement of Ordinance No. O-2223-45: Cimarron Precious Metals, Inc. requests rezoning from I-1, Light Industrial District, to SPUD, Simple Planned Unit Development, for 0.43 acres of property located at 1001 N. University Boulevard.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. SPUD Narrative with Exhibits A-C

PRESENTATION BY STAFF: Ms. Navarro reviewed the staff report, a copy of which is filed with the minutes.

PRESENTATION BY THE APPLICANT: Les White, the applicant, was available to answer questions but did not have a presentation.

AUDIENCE PARTICIPATION: None

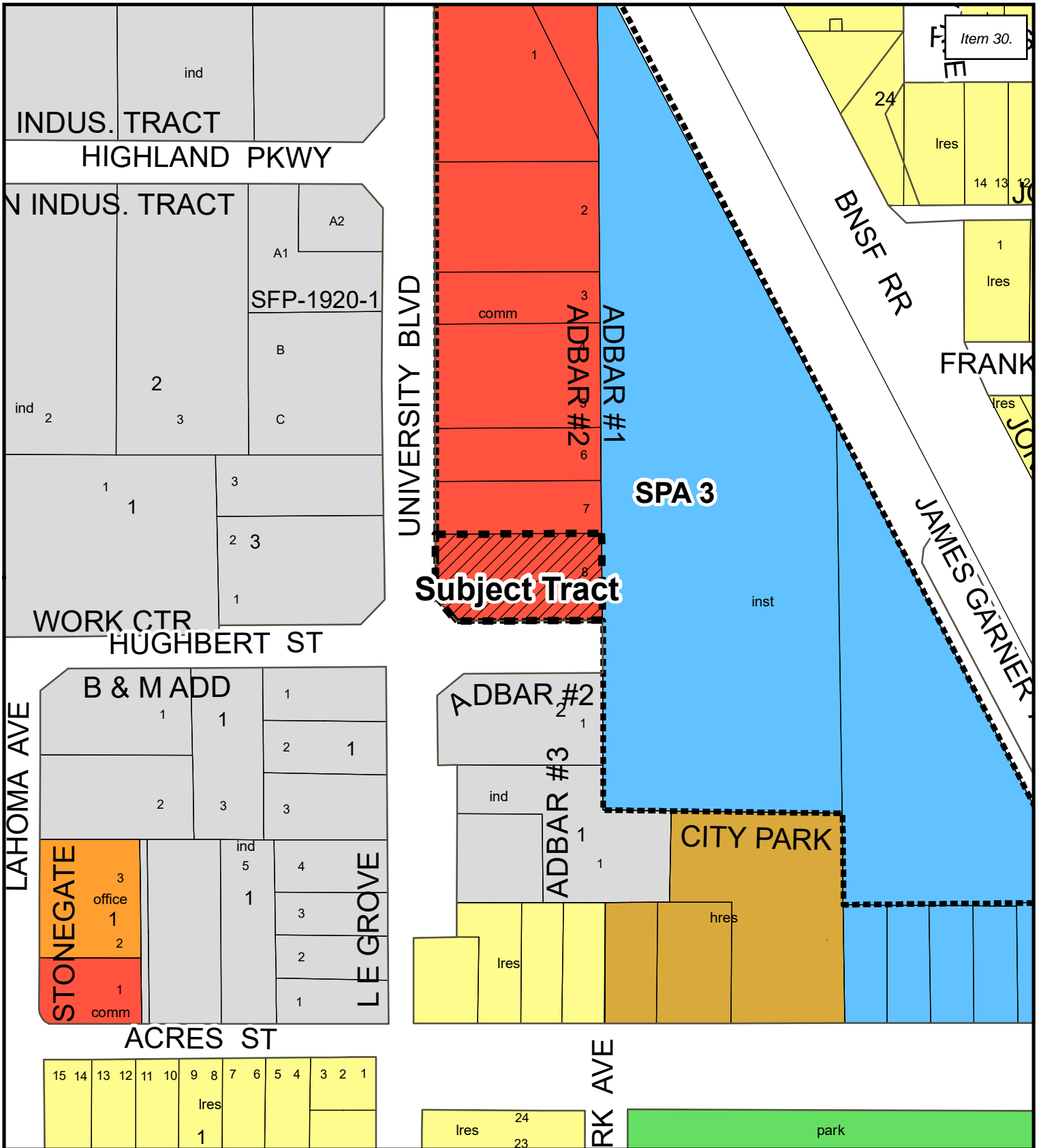
DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Motion made by Parker, seconded by McKown, to recommend approval of Resolution No. R-2324-10 and Ordinance No. O-2223-45 to City Council.

Voting Yea: Brewer, McDaniel, McKown, Parker, Bird, Griffith, Kindel

The motion to recommend adoption of Resolution No. R-2324-10 and Ordinance No. O-2223-45 to City Council carried by a vote of 7-0.

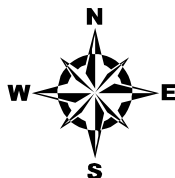
*



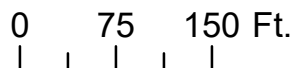
Norman 2025 Land Use Plan




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.



June 6, 2023



 Subject Tract

File Attachments for Item:

31. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2223-45 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 LOT EIGHT (8), BLOCK ONE (1), OF ADBAR #2 ADDITION, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE I-1, LIGHT INDUSTRIAL DISTRICT, AND PLACE SAME IN THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1001 N. University Boulevard)



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 08/08/2023

REQUESTER: Cimarron Precious Metals, Inc.

PRESENTER: Jane Hudson, Director of Planning & Community Development

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2223-45 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 LOT EIGHT (8), BLOCK ONE (1), OF ADBAR #2 ADDITION, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE I-1, LIGHT INDUSTRIAL DISTRICT, AND PLACE SAME IN THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1001 N. University Boulevard)

PROJECT OVERVIEW: The applicant, Cimarron Precious Metals Inc., is requesting to rezone a 0.430 acre property at 1001 N. University Blvd. to Simple Planned Unit Development (SPUD). The property is currently zoned I-1, Light Industrial District. The applicant intends to keep the existing allowable uses and add two commercial uses, a bullion depository and a coin shop.

PROCEDURAL REQUIREMENTS:

GREENBELT COMMISSION: GBC23-12 June 20, 2023

The commission recommended adding a sidewalk along W. Hughbert St. to connect to the library and Legacy Trail.

PRE-DEVELOPMENT MEETING: PD23-24 June 22, 2023

No neighbors attended the meeting.

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 full list of proposed uses is in the PUD Narrative Exhibit C. The list includes all allowable I-1 uses plus the commercial uses of bullion depository and coin shop.

OPEN SPACE/PARKLAND: There is no proposed increase to the existing building footprint. The site development plan shows the planned open space areas.

SITE PLAN/ACCESS: The Site Plan is submitted with this SPUD as Exhibit B and shall be incorporated herein as an integral part of the SPUD. The development of the property shall be substantially constructed and utilized as presented thereon, subject only to changes allowed by section 36-510(k), the Simple Planned Unit Development section of the Zoning Ordinance, as amended from time to time.

The site plan shows no proposed changes to the existing layout of the property.

LANDSCAPING: No changes are proposed to the existing landscaping. In the event of future development, the property shall be in conformity to the City of Norman ordinances, as amended from time to time.

SIGNAGE: The signage for the property shall comply with Norman's applicable signage regulations for commercial uses, as amended from time to time.

LIGHTING: All exterior lighting shall be installed in conformance with any applicable City of Norman Outdoor Lighting Standards, as such may be amended from time to time.

SANITATION: Trash will be handled through existing dumpsters located in the alley.

UTILITIES: The necessary utility services are already located on or near the property

PARKING: The property shall comply with the City of Norman's applicable parking ordinances, as amended from time to time.

SIDEWALKS: While not required, City Staff recommends a 5' sidewalk to be installed in the front of the property along W. Hughbert St. This area was platted prior to the requirement of sidewalk installation so existing sidewalks are few. Again, this is not required but it would be beneficial for pedestrian traffic or possibly be part of a city project in the future.

EXTERIOR BUILDING MATERIALS: Any update to the existing building or the construction of new buildings shall meet the requirements of the Exterior Appearance section of the Zoning Ordinance for I-1 properties, as amended from time to time.

EXISTING ZONING: The subject property is currently zoned I-1, Light Industrial District. The current zoning does not allow for any retail uses.

ALTERNATIVES/ISSUES:

IMPACTS: The proposed additional use is directly related to the property's current use. The rezoning does not include any addition to the existing building. The expected impact is a moderate increase in traffic due to the new commercial use.

OTHER AGENCY COMMENTS:

FIRE DEPARTMENT: No comments.

PUBLIC WORKS/ENGINEERING: The applicant should consider adding a 5' sidewalk to the front of the property.

TRAFFIC ENGINEER: No comments.

UTILITIES: No comments.

CONCLUSION: Staff forwards this request for rezoning from I-1, Light Industrial District, to SPUD, Simple Planned Unit Development, as ordinance No. O-2223-45 for consideration by City Council.

At their July 13, 2023 meeting, Planning Commission unanimously recommended adoption of Ordinance No. O-2223-45, by a vote of 7-0.

O-2223-45

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 EIGHT (8), BLOCK ONE (1), OF ADBAR #2 ADDITION, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE I-1, LIGHT INDUSTRIAL DISTRICT, AND PLACE SAME IN THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1001 N. University Boulevard)

- § 1. WHEREAS, Cimarron Precious Metals, Inc., the owners of the hereinafter described property, have made application to have the subject property removed from the I-1, Light Industrial 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 I-1, Light Industrial District and place the same in the SPUD, Simple Planned Unit Development District, to wit:

Lot Eight (8), Block One (1), of ADBAR #2 ADDITION, to Norman, Cleveland County, Oklahoma.

Containing 0.430 acres, more or less.

Ordinance No. O-2223-45
Page 2

- § 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 July 13, 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)

Cimarron Precious Metals Inc.

1001 N University Blvd

SIMPLE PLANNED UNIT DEVELOPMENT

APPLICANT:

Les White

APPLICATION FOR:

SIMPLE PLANNED UNIT DEVELOPMENT

Revised: April 28th, 2023

TABLE OF CONTENTS

- I. INTRODUCTION
 - A. Background and Intent
- II. PROPERTY DESCRIPTION/GENERAL SITE CONDITIONS
 - A. Location
 - B. Existing Land Use and Zoning
 - C. Elevation and Topography
 - D. Utility Services
 - E. Fire Protection Services
 - F. Traffic Circulation and Access
- III. DEVELOPMENT PLAN AND DESIGN CONCEPT
 - A. Permissible Uses
 - B. Building Height
 - C. Parking
 - D. Dumpster and Trash Enclosures
 - E. Miscellaneous Development Criteria

EXHIBITS

- A. Legal Description of the Property
- B. Site Development Plan
- C. Permissible Uses

I. INTRODUCTION

A. Background and Intent:

Cimarron Precious Metals Inc. ("Applicant") seeks to rezone property located at **1001 N. University Blvd, Norman, OK 73069**, more particularly described on the attached **Exhibit A** (collectively referred to herein as the "**Property**"). The Applicant intends to continue to use the building for light industrial and warehouse purposes and use the existing front showroom as a retail coin shop and bullion dealership. No alterations or additional construction to the property is necessary.

II. PROPERTY DESCRIPTION/GENERAL SITE CONDITIONS

A. Location

The Property is made up of a 98'x194.3' MOL parcel located on the northeast corner of the intersection of N University Blvd and W Hughbert St.

B. Existing Land Use and Zoning

Currently, the entire Property is zoned I-1; Light Industrial. The entire Property's current NORMAN 2025 Designation is Commercial.

C. Elevation and Topography

The site is relatively low slope with minimal topographic variation. No part of the Property is in any FEMA 100-year flood plain, and no part of the Property is in any Water Quality Protection Zone.

D. Utility Services

The necessary utility services are already located on or near the Property.

E. 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.

F. Traffic Circulation and Access

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

III. DEVELOPMENT PLAN

The Project is planned as use of an existing building to accommodate retail in the showroom at the west end of the building. The intent of the project is to allow Cimarron Precious Metals to process precious metals into retail bullion in the warehouse area and house a coin shop in the showroom portion of the building to sell said bullion products.

A. Permissible Uses

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

B. Building Height

The existing building is two stories in height, and there are no changes being proposed to the structure. In the event of future development, the maximum building height shall be in accordance with Norman's applicable height regulations currently found in Section 36-529 I-1, Light Industrial District, as amended from time to time.

C. Parking

The Property has an existing parking lot with 5 parking spots, one of them being a handicap spot with ramp. No new parking is proposed.

D. Sanitation

Trash will be handled through existing dumpsters located in the alley.

E. Miscellaneous Development Criteria**1. Site Plan**

The Site Development Plan (Exhibit B) for the site is currently submitted with this SPUD and shall be incorporated herein as an integral part of the SPUD and the development of the property shall be substantially constructed and utilized as presented thereon, subject only to the changes allowed by Sec. 36-510(k) of the City of Norman's Zoning Ordinance, as amended from time to time

2. Open Space

No increase to the existing building footprint is being proposed.

3. Signage

The signage for the Property shall comply with Norman's applicable signage regulations for Commercial uses, as amended from time to time.

4. Sidewalks

No sidewalks currently exist adjacent to the Property. 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.

5. Lighting

All exterior lighting shall be installed in conformance with any applicable City of Norman Commercial Outdoor Lighting Standards, as such may be amended from time to time.

6. Landscaping

No changes are proposed to the existing landscaping. In the event of future development, the Property shall be in conformity to the City of Norman ordinances, as amended from time to time.

7. Area regulations

No changes are proposed to the existing regulations. In the event of future developments, including additions or alterations, the property shall be in conformity with the requirements for I-1 Light Industrial District.

EXHIBIT A

Legal Description of the Property

LOT 8 Block 1 of ADBAR #2 Addition

EXHIBIT B

Site Development Plan

EXHIBIT C

Permissible Uses

1. Property and buildings shall allow uses as outlined below:

- Bullion depository
- Coin shop

I-1, Light Industrial District uses

a) *Uses permitted.* Property and buildings in an I-1, Light Industrial District shall be used only for the following purposes:

1. Any of the following uses:

- a. Automobile sales and service, but not including automobile or machinery wrecking establishments or junk yards.
- b. Boat sales and service.
- c. 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.
- d. Contractor's equipment storage yard or yard for rental equipment of a type commonly used by contractors.
- e. Crematorium, subject to all the following conditions and requirements:

1. Crematoriums shall meet the setback requirements of the underlying zoning district, except that they will be located a minimum of 400 feet from any RE, R-1, R-2, and R-3 zoning districts and 100 feet from all other zoning districts measured from the closest point of the building to the nearest residential district.

2. Facilities shall meet all applicable State and federal requirements for incineration equipment and shall be licensed at all times.

3. All storage shall be inside.

4. Incinerator stacks shall not be located on the front side of the roof of any structure facing the street.

5. Crematoriums shall have direct vehicle access to an arterial street.

- f. 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:

1. Any building which incorporates a crematorium use shall meet the setback requirements of the underlying zoning district.

2. Facilities shall meet all applicable State and federal requirements for incineration equipment and shall be licensed at all times.

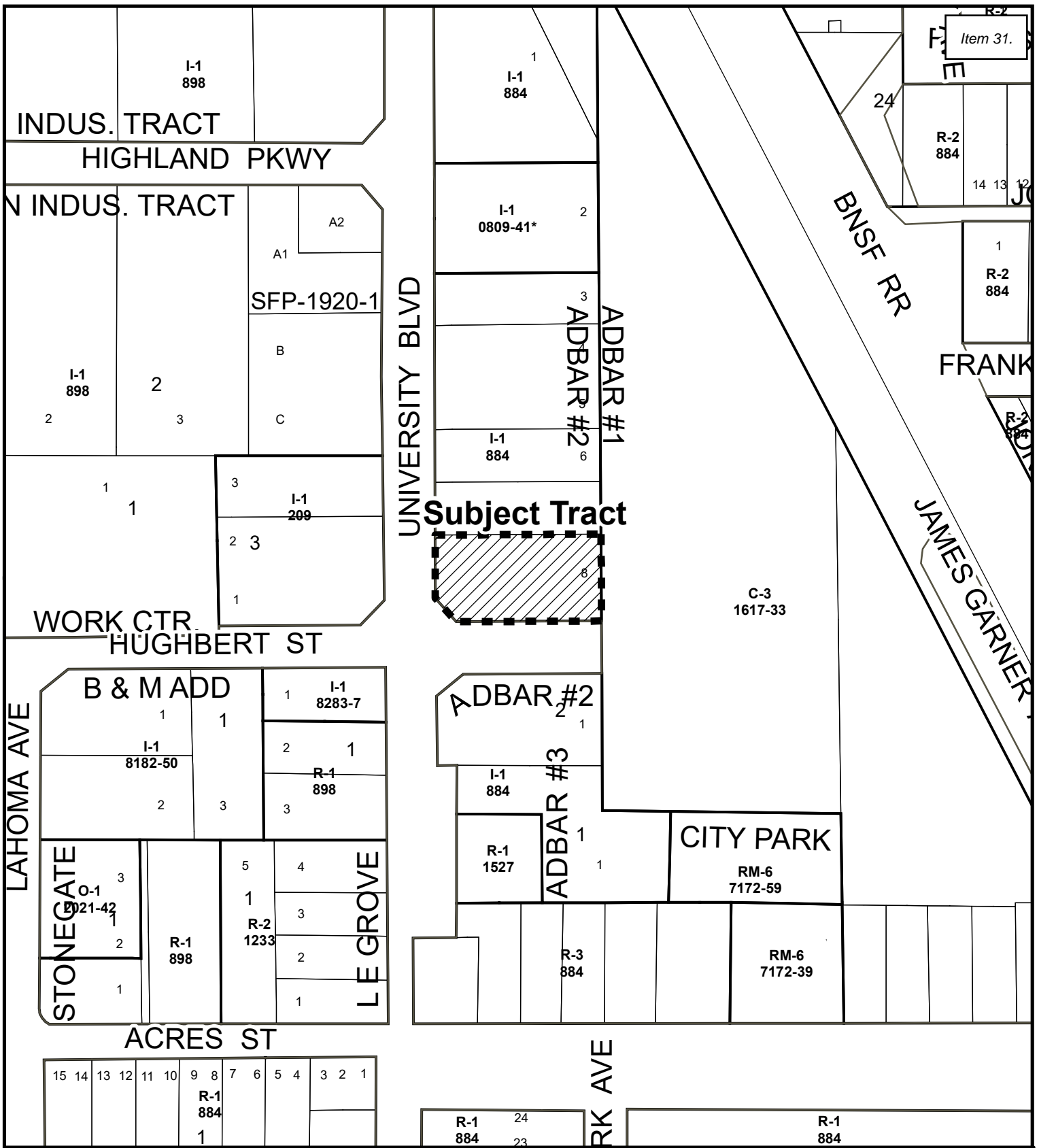
3. All storage shall be inside.

4. Incinerator stacks shall not be located on the front side of the roof of any structure facing the street.
- g. Farm machinery or contractor's machinery storage yard.
- h. Mobile home and camper sales.
- i. Office buildings and offices for such professional services as accountant, architect, attorney, business or management consultant, court reporter, dentist or dental surgeon, engineer, geologist or geophysicist, 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.
- j. Public utility service company yard or electric receiving or transforming station.
- k. Truck and farm implement sales and service.
- l. Truck terminal.
- m. Veterinary hospital.
- n. Warehousing.
- o. Trade schools and schools for vocational training.
- p. Impoundment yard, subject to the following conditions:
 1. The operator of the storage facility must obtain both a City license to operate an impoundment yard and a State wrecker license;
 2. All areas used for the storage of impounded vehicles shall be completely screened by an eight-foot-tall opaque fence, and maintained in good condition;
 3. All public parking areas shall be paved in accordance with City standards. However, areas used for storage of disabled vehicles shall, at a minimum, be surfaced with at least six inches of crushed rock, preferably limestone with appropriate gradations, installed on a sub-base which has been cleared and grubbed, properly graded and compacted, and consists of a suitable soil (one with a low to moderate plasticity index);
 4. No disabled automobiles, parts, or salvage material of any kind shall be stored outside or above the fence.
2. The following uses when conducted within a completely enclosed building:
 - a. 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 Alcoholic Beverage Laws and Enforcement Commission (ABLE):
 1. Compliance with all applicable State ABLE laws regarding manufacturing and packaging of beer, wine and spirits;
 2. Compliance with all applicable State ABLE laws regarding on-site serving of alcoholic beverages (beer, wine and spirits)

and pre-packaged sales, as well as retailing of associated merchandise;

3. Licensure with the State ABLE and the City.
 - b. The manufacture, compounding, processing or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toiletries, and food products.
 - c. 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.
 - d. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
 - e. 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.
 - f. Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
 - g. Machine shop excluding punch presses over 20 tons rated capacity, drop hammers, and automatic screw machines.
 - h. 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.
 - i. Laboratories. Experimental, photo or motion picture, film or testing. For the purposes of this section, the term "laboratories" includes medical marijuana testing laboratories, as allowed by State law, that fully comply with this provision.
 - j. Poultry or rabbit killing incidental to a retail business on the same premises.
 - k. Foundry casting light weight non-ferrous metals.
 - l. Tire retreading and recapping when incidental to a retail tire business.
 - m. Pipe storage yard.
 - n. Machinery or equipment storage yard.
 - o. Medical marijuana commercial grower, as allowed by State law.
 - p. Medical marijuana education facility, as allowed by State law.
 - q. 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.
 - r. Medical marijuana storage facility.
 - s. Medical marijuana waste facility (incineration and/or composting only), as allowed by State law.
3. Buildings, structures and uses accessory and customarily incidental to any of the above uses.

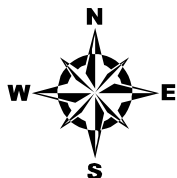
4. Any other light industrial use, building or structure which, in the opinion of the Planning Commission, is of similar character to those enumerated in this section and is not more objectionable due to noise, odor, dust, smoke, vibration, danger to life and property or other similar causes which are injurious to the health or safety of the neighborhood; provided, however, the uses permitted under this section shall be conducted in such a manner that no dust or noxious fumes or odors will be emitted beyond the property line of the lot on which the use is located and no material or equipment shall be kept, stored or displayed outside the confines of an enclosed building or operation conducted unless it is to be screened by ornamental fences, walls, or evergreen planting that it cannot be seen from a public street.
- b) *Special use*. The following uses may be permitted, after review, in accordance with NCC 36-560:
1. Pre-packaged food store located within industrial parks, provided that:
 - a. Each industrial park be limited to one such use; and
 - b. Only industrial parks larger than 50 acres in size shall qualify for consideration.
 2. Schools, public and private.
 3. Liquified petroleum gas sales and storage when such use is clearly subordinate and accessory to the primary usage of the property.
 4. Church, temple or other place of worship.
 5. Municipal use, public buildings and public utility.
 6. Medical marijuana dispensary, as allowed by State law.
 7. Medical marijuana research facility, as allowed by State law.
 8. Tier I medical marijuana processor, as allowed by State law.
 9. Tier II medical marijuana processor, as allowed by State law.



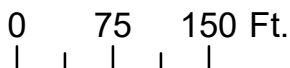
Location Map



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





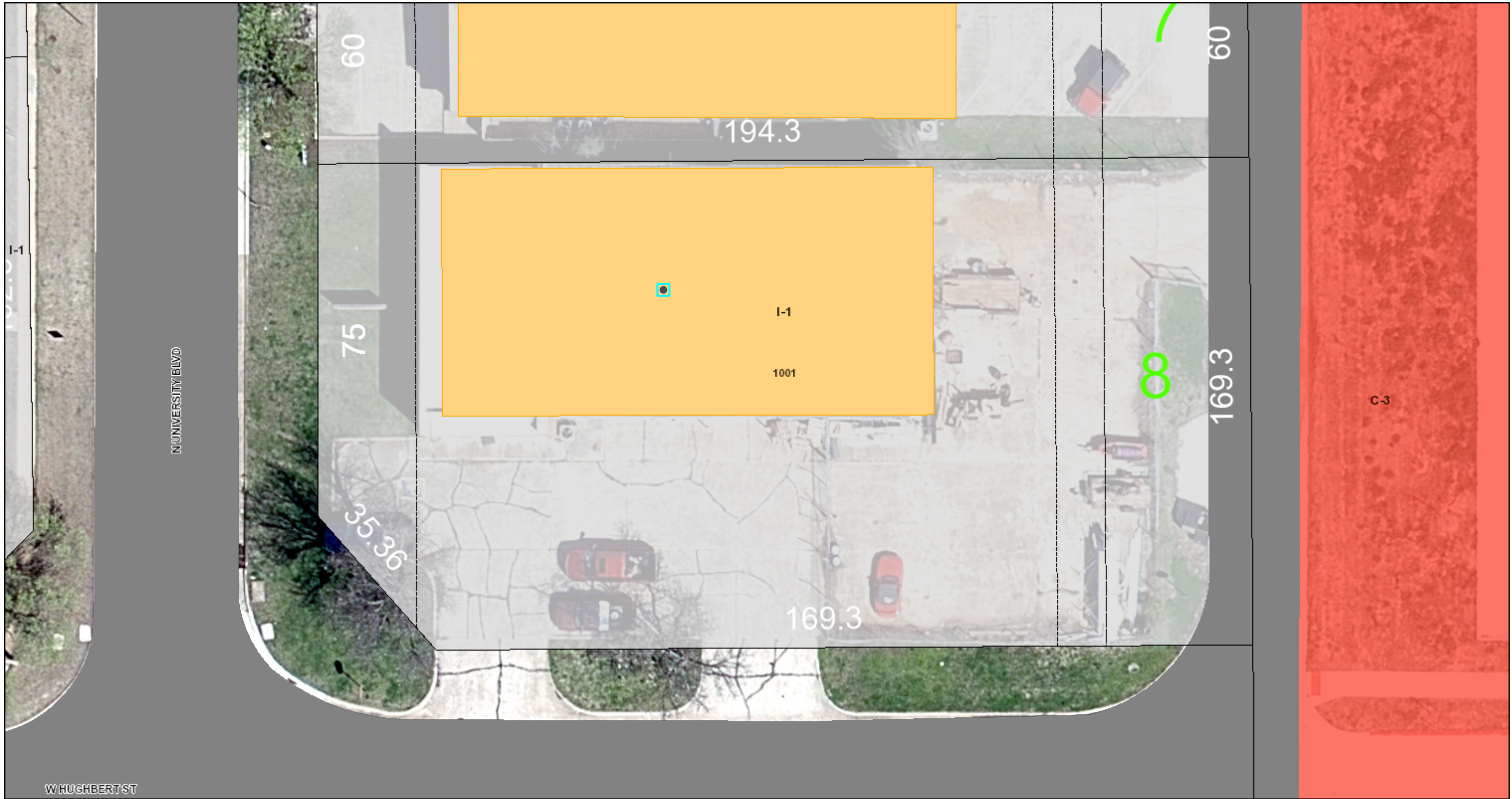
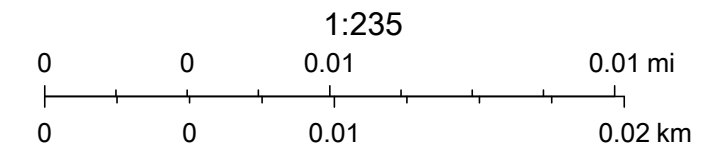
 Subject Tract
 Zoning

EXHIBIT B 1001 N. University Blvd.



4/28/2023, 10:10:24 AM

- | | | | | |
|-----------------------------------|---------------------------------------------|---------------------------------------|---------------------------------------|---------------------------|
| Zoning | CO: Suburban Office Commercial | PL: Park Land | RE: Residential Estates | TC: Tourist Commercial |
| A-1: General Agricultural | CCPUD: Center City Planned Unit Development | PUD: Planned Unit Development | RM-2: Low Density Apartment | Unclassified |
| A-2: Rural Agricultural | CR: Rural Commercial | R-1: Single Family Dwelling | RM-4: Mobile Home Park | Flood Hazard Zone |
| C-1: Local Commercial | I-1: Light Industrial | R-1A: Single Family Attached Dwelling | RM-6: Medium Density Apartment | 100 |
| C-2: General Commercial | I-2: Heavy Industrial | R-2: Two-Family Dwelling | RO: Residence-Office | floodway |
| C-3: Intensive Commercial | M-1: Restricted Industrial | R-3: Multi-Family Dwelling | ROW: Right of Way | Stream Planning Corridors |
| C-O: Suburban Office Commercial | O-1: Office_Institutional | R-E: Residential Estates | SPUD: Simple Planned Unit Development | Historic Districts |
| CCFB: Center City Form Based Code | | | | Porter Commercial Limit |



City of Norman, GIS Services Division

ORDINANCE NO. O-2223-45

ITEM NO. 9

STAFF REPORT

GENERAL INFORMATION

| | |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| APPLICANT | Cimarron Precious Metals, Inc. |
| REQUESTED ACTION | Rezoning to SPUD, Simple Planned Unit Development |
| EXISTING ZONING | I-1, Light Industrial District |
| SURROUNDING ZONING | North: I-1, Light Industrial District East: C-3, Intensive Commercial District South: I-1, Light Industrial District West: I-1, Light Industrial District |
| LOCATION | 1001 N. University Boulevard |
| WARD | 4 |
| CORE AREA | Yes |
| AREA/SF | 0.430 acres, more or less |
| PURPOSE | Commercial/Industrial |
| EXISTING LAND USE | Commercial |
| SURROUNDING LAND USE | North: Children's Aftercare Center East: Pioneer Library South: Industrial/Commercial West: Commercial |
| LAND USE PLAN DESIGNATION | Commercial/Special Planning Area 3 |
| PROPOSED LAND USE DESIGNATION | Commercial (No change) |
| GROWTH AREA DESIGNATION | Current Urban Service Area |

PROJECT OVERVIEW: The applicant, Cimarron Precious Metals Inc., is request rezone a 0.430 acre property at 1001 N. University Blvd. to Simple Planned Unit Development (SPUD). The property is currently zoned I-1, Light Industrial District. The applicant intends to keep the existing allowable uses and add two commercial uses, a bullion depository and a coin shop.

PROCEDURAL REQUIREMENTS:

GREENBELT COMMISSION: GBC23-12 June 20, 2023

The commission recommended adding a sidewalk along W. Hughbert St. to connect to the library and Legacy Trail.

PRE-DEVELOPMENT MEETING: PD23-24 June 22, 2023

No neighbors attended the meeting.

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 full list of proposed uses is in the PUD Narrative Exhibit C. The list includes all allowable I-1 uses plus the commercial uses of bullion depository and coin shop.

OPEN SPACE/PARKLAND: There is no proposed increase to the existing building footprint. The site development plan shows the planned open space areas.

SITE PLAN/ACCESS: The Site Plan is submitted with this SPUD as Exhibit B and shall be incorporated herein as an integral part of the SPUD. The development of the property shall be substantially constructed and utilized as presented thereon, subject only to changes allowed by section 36-510(k), the Simple Planned Unit Development section of the Zoning Ordinance, as amended from time to time.

The site plan shows no proposed changes to the existing layout of the property.

LANDSCAPING: No changes are proposed to the existing landscaping. In the event of future development, the property shall be in conformity to the City of Norman ordinances, as amended from time to time.

SIGNAGE: The signage for the property shall comply with Norman's applicable signage regulations for commercial uses, as amended from time to time.

LIGHTING: All exterior lighting shall be installed in conformance with any applicable City of Norman Outdoor Lighting Standards, as such may be amended from time to time.

SANITATION: Trash will be handled through existing dumpsters located in the alley.

UTILITIES: The necessary utility services are already located on or near the property

PARKING: The property shall comply with the City of Norman's applicable parking ordinances, as amended from time to time.

SIDEWALKS: While not required, City Staff recommends a 5' sidewalk to be installed in the front of the property along W. Hughbert St. This area was platted prior to the requirement of sidewalk installation so existing sidewalks are few. Again, this is not required but it would be beneficial for pedestrian traffic or possibly be part of a city project in the future.

EXTERIOR BUILDING MATERIALS: Any update to the existing building or the construction of new buildings shall meet the requirements of the Exterior Appearance section of the Zoning Ordinance for I-1 properties, as amended from time to time.

EXISTING ZONING: The subject property is currently zoned I-1, Light Industrial District. The current zoning does not allow for any retail uses.

ALTERNATIVES/ISSUES:

IMPACTS: The proposed additional use is directly related to the property's current use. The rezoning does not include any addition to the existing building. The expected impact is a moderate increase in traffic due to the new commercial use.

OTHER AGENCY COMMENTS:

FIRE DEPARTMENT: No comments.

PUBLIC WORKS/ENGINEERING: The applicant should consider adding a 5' sidewalk to the front of the property.

TRAFFIC ENGINEER: No comments.

UTILITIES: No comments.

CONCLUSION: Staff forwards this request for rezoning from I-1, Light Industrial District, to SPUD, Simple Planned Unit Development, as ordinance No. O-2223-45 for consideration by the Planning Commission and recommendation to City Council.

File Attachments for Item:

32. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-5 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF NORMAN, STATE OF OKLAHOMA (THE "CITY"), ON THE 10th DAY OF OCTOBER, 2023, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF THE ISSUANCE OF THE BONDS OF SAID CITY IN AN AMOUNT NOT TO EXCEED THE SUM OF FIFTY MILLION DOLLARS (\$50,000,000) TO BE ISSUED IN SERIES TO PROVIDE FUNDS FOR THE PURPOSES OF CONSTRUCTING, RECONSTRUCTING, REPAIRING, IMPROVING, AND REHABILITATING BRIDGES IN THE CITY (INCLUDING LIGHTING, SIDEWALKS/BIKEPATHS, LANDSCAPING, RELATED DRAINAGE IMPROVEMENTS, DRIVEWAY RECONSTRUCTION, AND OTHER RELATED IMPROVEMENTS); AND LEVYING AND COLLECTING AN ANNUAL TAX, IN ADDITION TO ALL OTHER TAXES, UPON ALL THE TAXABLE PROPERTY IN SAID CITY FOR THE PAYMENT OF THE INTEREST AND PRINCIPAL ON SAID BONDS; AND DECLARING AN EMERGENCY.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 08/08/2023

REQUESTER: Shawn O'Leary

PRESENTER: Joseph Hill, Streets Program Manager

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-5 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF NORMAN, STATE OF OKLAHOMA (THE "CITY"), ON THE 10th DAY OF OCTOBER, 2023, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF THE ISSUANCE OF THE BONDS OF SAID CITY IN AN AMOUNT NOT TO EXCEED THE SUM OF FIFTY MILLION DOLLARS (\$50,000,000) TO BE ISSUED IN SERIES TO PROVIDE FUNDS FOR THE PURPOSES OF CONSTRUCTING, RECONSTRUCTING, REPAIRING, IMPROVING, AND REHABILITATING BRIDGES IN THE CITY (INCLUDING LIGHTING, SIDEWALKS/BIKEPATHS, LANDSCAPING, RELATED DRAINAGE IMPROVEMENTS, DRIVEWAY RECONSTRUCTION, AND OTHER RELATED IMPROVEMENTS); AND LEVYING AND COLLECTING AN ANNUAL TAX, IN ADDITION TO ALL OTHER TAXES, UPON ALL THE TAXABLE PROPERTY IN SAID CITY FOR THE PAYMENT OF THE INTEREST AND PRINCIPAL ON SAID BONDS; AND DECLARING AN EMERGENCY.

BACKGROUND:

The City currently has 80 nationally registered bridges within the City of Norman. The Federal Highway Administration requires that all off-system bridges be inspected biennially. The City Council adopted its first dedicated annual budget for Bridge Maintenance in FYE18, beginning with an annual allocation of \$100,000. Recognizing the need for additional resources in this area, the FYE23 budget included \$750,000 in funds and in FYE24, the budget included \$1,000,000 in funds for bridge maintenance. Since 2018, \$2,050,000 has been spent on bridge maintenance.

Of the 80 bridges in Norman, 5 bridges were identified as structurally deficient and 15 bridges were identified as being at risk for becoming structurally deficient during the most recent inspection cycle completed in 2021. Since 2016, the City has experienced three bridge failures that resulted in serious safety hazards, closures and expense. Load limits have been implemented on other bridges to reduce the safety hazard as a result of their condition.

Staff proposed a bridge maintenance bond program to Council at its Community Planning and Transportation meeting in October 2022. Additional discussions by the full Council were held in January and June of this year. A survey of Norman residents was conducted in June and the results were presented to Council earlier this month. Staff was directed to bring forward an ordinance calling a special election for October 10, 2023 for a \$50 million, 10-year construction schedule program.

DISCUSSION:

Ordinance O-2324-5 authorizes the calling of a special election on October 10, 2023 for the purpose of asking the voters to approve \$50 million in indebtedness to provide funds for the purpose of constructing, reconstructing, repairing, improving, and rehabilitating bridges in Norman and other related improvements. Article X, Section 27 of the Oklahoma Constitution requires that the City identify projects for at least 70% of the bond proceeds. Norman's practice in previous street maintenance and construction bond programs has been to identify 100% of the proceeds; however, it is proposed that some of the bond funds in this program be made available for emergency bridge repairs or replacements at unspecified locations, or cost overruns on the listed projects. Due to our recent experience of bridge failures and potential for rapid changes in bridge condition and priority, this program recommends that some emergency funds be included. If funds are not needed for an emergency repair or replacement after the specific projects are completed, Staff will use the funds to move down its rank ordered list of high priority bridge replacement and rehabilitation needs and identify additional projects to complete with the available funding.

RECOMMENDATION:

Staff recommends approval of Ordinance O-2324-5 upon Second and Final Reading. A separate vote for the declaration of emergency will be necessary in order to provide timely notice of the election to the Cleveland County Election Board.

PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE MAYOR AND THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA (THE "CITY") MET IN REGULAR SESSION IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING LOCATED AT 201 WEST GRAY, NORMAN, OKLAHOMA, 73069, IN SAID CITY ON THE 8TH DAY OF AUGUST, 2023, AT 6:30 O'CLOCK P.M.

PRESENT:

ABSENT:

Notice of the schedule of regular meetings of the governing body of The City of Norman, Oklahoma for the calendar year 2023 having been given in writing to the City Clerk of said City at 9:00 o'clock a.m. on the 27th day of October, 2022, and public notice of this meeting, setting forth the date, time, place and agenda was posted at _____ o'clock __.m. on the ___ day of August, 2023, by posting on the City's Internet website (www.normanok.gov) and by posting at the entry to the Municipal Building, 201 West Gray, Norman, Oklahoma, 73069, the place of this meeting in prominent view and open to the public twenty-four (24) hours each day, seven (7) days each week, being twenty-four (24) hours or more prior to this meeting, excluding Saturdays, Sundays and State designated legal holidays, all in compliance with the Oklahoma Open Meeting Act (as attached hereto). Further, as required by Section 311A(9)(b) of Title 25 of the Oklahoma Statutes, the City made the notice of a public meeting available to the public in the principal office of the public body (201 West Gray, Norman, Oklahoma, 73069) during normal business hours at least twenty-four (24) hours prior to the meeting.

(OTHER PROCEEDINGS)

Thereupon the Mayor introduced an Ordinance, which was read by title by the Clerk or Deputy Clerk, and upon motion by Councilmember _____, seconded by Councilmember _____, said Ordinance was adopted by the following vote:

AYE:

NAY:

and upon motion by Councilmember Matthew Peacock, seconded by Councilmember Lauren Schueler, the question of the emergency was ruled upon separately and approved with the following vote:

AYE:

NAY:

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

ORDINANCE NO. O-2324-5

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF NORMAN, STATE OF OKLAHOMA (THE "CITY"), ON THE 10th DAY OF OCTOBER, 2023, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF THE ISSUANCE OF THE BONDS OF SAID CITY IN AN AMOUNT NOT TO EXCEED THE SUM OF FIFTY MILLION DOLLARS (\$50,000,000) TO BE ISSUED IN SERIES TO PROVIDE FUNDS FOR THE PURPOSES OF CONSTRUCTING, RECONSTRUCTING, REPAIRING, IMPROVING, AND REHABILITATING BRIDGES IN THE CITY (INCLUDING LIGHTING, SIDEWALKS/BIKEPATHS, LANDSCAPING, RELATED DRAINAGE IMPROVEMENTS, DRIVEWAY RECONSTRUCTION, AND OTHER RELATED IMPROVEMENTS); AND LEVYING AND COLLECTING AN ANNUAL TAX, IN ADDITION TO ALL OTHER TAXES, UPON ALL THE TAXABLE PROPERTY IN SAID CITY FOR THE PAYMENT OF THE INTEREST AND PRINCIPAL ON SAID BONDS; AND DECLARING AN EMERGENCY.

WHEREAS, it is deemed advisable by The City of Norman, State of Oklahoma (the "City") to construct, reconstruct, repair, improve, and rehabilitate bridges in the City (including lighting, sidewalks/bikepaths, landscaping, related drainage improvements, driveway reconstruction, and other related improvements); and

WHEREAS, the estimated amount necessary for such purposes is Fifty Million Dollars (\$50,000,000); and

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

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

Section 1. Propositions. That the Mayor of the City, or in her absence or incapacity, the duly qualified Mayor Pro Tempore, be and hereby is authorized and directed to call a special election to be held in the City on the 10th day of October, 2023, for the purpose of submitting to the registered qualified voters of the City, for their approval or rejection, the following proposition:

PROPOSITION

Shall the City of Norman, State of Oklahoma, incur an indebtedness by issuing its bonds in the sum of Fifty Million Dollars (\$50,000,000) to provide funds for the purpose of constructing, reconstructing, repairing, improving, and rehabilitating bridges in the City of Norman, Oklahoma (including lighting, sidewalks/bikepaths, landscaping, related drainage improvements, driveway reconstruction, and other related improvements); and levy and collect an annual tax, in addition to all other

taxes, upon all the taxable property in said City sufficient to pay the interest on said bonds as it falls due, and also to constitute a sinking fund for the payment of the principal thereof when due, said bonds to be competitively sold and bear interest at the lowest rate not to exceed ten percentum (10%) per annum, payable semi-annually and to become due within twenty (20) years from their date?

Section 2. Description of Projects and Use of Proceeds.

(Proposition)

Bridge Projects

The Bridge Projects for which the proceeds of the aforesaid not to exceed \$50,000,000 general obligation bonds shall be expended consist of constructing, reconstructing, repairing, improving, and rehabilitating bridges in the City (including lighting, sidewalks/bikepaths, landscaping, related drainage improvements, driveway reconstruction, and other related improvements). The projects may be accomplished through participation with other governmental agencies and others, and may be accomplished in phases. Project costs include related construction testing, inspection, project implementation and administration, planning, permitting, engineering and design, right of way and real property acquisition. The specific projects (referenced by their respective National Bridge Inventory number, or “NBI”) for which at least seventy percent (70%) of the proceeds of the aforesaid bonds shall be expended and the dollar amount of each such project shall be as follows:

| | |
|-------------------------------------------------------------------------------|--------------|
| NBI 09189 – 60th Avenue NE 0.5 Miles North of Rock Creek Road (Replace) | \$2,894,745 |
| NBI 12549 – Lindsey Street 100’ West of Classen Boulevard (Rehabilitate) | \$346,556 |
| NBI 26914 – East Post Oak Road 0.2 Miles East of 96th Avenue SE (Replace) | \$2,038,295 |
| NBI 18911 – Main Street 0.3 Miles East of 24th Avenue SW (Rehabilitate) | \$749,141 |
| NBI 09991 – Franklin Road 0.1 Miles West of 36th Avenue NE (Replace) | \$4,482,364 |
| NBI 08335 – 24th Avenue SW 0.4 Miles south of Main Street (Rehabilitate) | \$1,864,403 |
| NBI 05274 – North Porter Avenue 0.6 Miles South of Franklin Road (Replace) | \$15,361,758 |

Ordinance No. 0-2324-5

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| NBI 19348 – Franklin Road 0.2 Miles West of 72nd Avenue NE (Rehabilitate) | \$915,005 |
| NBI 18802 – 24th Avenue NE 0.9 Miles North of Robinson Street (Replace) | \$4,822,829 |
| NBI 06106 – 72nd Avenue NE 0.1 Miles South of Tecumseh Road (Replace) | <u>\$4,942,618</u> |
| SUBTOTAL: (representing over 76.8% of \$50,000,000) | \$38,417,714 |
| All remaining bond proceeds will be utilized to complete the above listed projects and/or complete additional bridge projects in the City | <u>\$11,582,286</u> |
| TOTAL BRIDGE PROJECTS: | \$50,000,000 |

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

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

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

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

Section 7. Pursuant to Title 62, Section 896.1, the City Clerk is hereby directed to publish such project information related to the City’s outstanding general obligation bonds, and project information related to the proposed general obligation bonds to be voted upon on October 10, 2023, in accordance with the Bond Transparency Act of 2017.

Section 8. That by reason of said City being without adequate bridges, it is deemed and hereby declared necessary for the immediate preservation of peace, health, or safety that this

Ordinance No. 0-2324-5

Ordinance shall become operative immediately; wherefore, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately from and after its passage and approval.

[Remainder of Page Intentionally Left Blank]

Ordinance No. 0-2324-5

PASSED AND ADOPTED AND SIGNED BY THE MAYOR THIS 8th DAY OF AUGUST, 2023.

THE CITY OF NORMAN, OKLAHOMA

(SEAL)

Mayor

ATTEST:

City Clerk

STATE OF OKLAHOMA)
)SS
COUNTY OF CLEVELAND)

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

I further certify that attached hereto is a true and complete copy of the Notice of the schedule of regular meetings of the governing body of The City of Norman, Oklahoma for the calendar year 2023 having been given in writing to the City Clerk of said City at 9:00 o'clock a.m. on the 27th day of October, 2022, and public notice of this virtual meeting, setting forth the date, time, place and agenda was posted at ___ o'clock __.m. on the ___ day of August, 2023, by posting on the City's Internet website (www.normanok.gov) and by posting at the entry to the Municipal Building, 201 West Gray, Norman, Oklahoma, 73069, the place of this meeting in prominent view and open to the public twenty-four (24) hours each day, seven (7) days each week, being twenty-four (24) hours or more prior to this meeting, excluding Saturdays, Sundays and State designated legal holidays, all in compliance with the Oklahoma Open Meeting Act. Further, as required by Section 311A(9)(b) of Title 25 of the Oklahoma Statutes, the City made the notice of a public meeting available to the public in the principal office of the public body (201 West Gray, Norman, Oklahoma, 73069) during normal business hours at least twenty-four (24) hours prior to the meeting.

WITNESS my hand and seal this 8th day of August, 2023.

(SEAL)

City Clerk

SPECIAL ELECTION PROCLAMATION AND NOTICE

Under and by virtue of Section 27 of Article X, of the Oklahoma Constitution and the Statutes of the State of Oklahoma, and Acts complementary, supplementary, and enacted pursuant thereto, the Charter of The City of Norman, Oklahoma (the “City”), as amended, and Ordinance No. O-2324-5 dated August 8, 2023, authorizing the calling of an election on the proposition hereinafter set forth, I, the undersigned Mayor of The City of Norman, Oklahoma, hereby call a special election and give notice thereof to be held in The City of Norman, Oklahoma, on the 10th day of October, 2023, for the purpose of submitting to the registered, qualified voters in said City the following proposition:

PROPOSITION

Shall the City of Norman, State of Oklahoma, incur an indebtedness by issuing its bonds in the sum of Fifty Million Dollars (\$50,000,000) to provide funds for the purpose of constructing, reconstructing, repairing, improving, and rehabilitating bridges in the City of Norman, Oklahoma (including lighting, sidewalks/bikepaths, landscaping, related drainage improvements, driveway reconstruction, and other related improvements); and levy and collect an annual tax, in addition to all other taxes, upon all the taxable property in said City sufficient to pay the interest on said bonds as it falls due, and also to constitute a sinking fund for the payment of the principal thereof when due, said bonds to be competitively sold and bear interest at the lowest rate not to exceed ten percentum (10%) per annum, payable semi-annually and to become due within twenty (20) years from their date?

The voting machines or devices used at said election shall set out the proposition as above set forth and shall also contain the words:

YES – FOR THE ABOVE PROPOSITION

NO – AGAINST THE ABOVE PROPOSITION

DESCRIPTION OF PROJECTS AND USE OF PROCEEDS

(Proposition)

Bridge Projects

The Bridge Projects for which the proceeds of the aforesaid not to exceed \$50,000,000 general obligation bonds shall be expended consist of constructing, reconstructing, repairing, improving, and rehabilitating bridges in the City (including lighting, sidewalks/bikepaths, landscaping, related drainage improvements, driveway reconstruction, and other related improvements). The projects may be accomplished through participation with other governmental agencies and others, and may be accomplished in phases. Project costs include related construction testing, inspection, project implementation and administration, planning, permitting, engineering and design, right of way and real property acquisition. The specific projects (referenced by their respective National Bridge Inventory number, or “NBI”) for which at least seventy percent (70%)

of the proceeds of the aforesaid bonds shall be expended and the dollar amount of each such project shall be as follows:

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| NBI 09189 – 60th Avenue NE 0.5 Miles North of Rock Creek Road (Replace) | \$2,894,745 |
| NBI 12549 – Lindsey Street 100’ West of Classen Boulevard (Rehabilitate) | \$346,556 |
| NBI 26914 – East Post Oak Road 0.2 Miles East of 96th Avenue SE (Replace) | \$2,038,295 |
| NBI 18911 – Main Street 0.3 Miles East of 24th Avenue SW (Rehabilitate) | \$749,141 |
| NBI 09991 – Franklin Road 0.1 Miles West of 36th Avenue NE (Replace) | \$4,482,364 |
| NBI 08335 – 24th Avenue SW 0.4 Miles south of Main Street (Rehabilitate) | \$1,864,403 |
| NBI 05274 – North Porter Avenue 0.6 Miles South of Franklin Road (Replace) | \$15,361,758 |
| NBI 19348 – Franklin Road 0.2 Miles West of 72nd Avenue NE (Rehabilitate) | \$915,005 |
| NBI 18802 – 24th Avenue NE 0.9 Miles North of Robinson Street (Replace) | \$4,822,829 |
| NBI 06106 – 72nd Avenue NE 0.1 Miles South of Tecumseh Road (Replace) | <u>\$4,942,618</u> |
| SUBTOTAL: (representing over 76.8% of \$50,000,000) | \$38,417,714 |
| All remaining bond proceeds will be utilized to complete the above listed projects and/or complete additional bridge projects in the City | <u>\$11,582,286</u> |
| TOTAL BRIDGE PROJECTS: | \$50,000,000 |

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.

Such election shall be conducted by those precinct officers designated by the County Election Board of Cleveland County, Oklahoma, which officers shall also act as counters and certify the results thereof as required by law.

WITNESS my hand as Mayor of The City of Norman, Oklahoma and the Seal of said City affixed hereto on the 8th day of August, 2023.

(SEAL)

Mayor

ATTEST:

City Clerk

File Attachments for Item:

33. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-33: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, GIVING THE SECRETARY OF THE CLEVELAND COUNTY ELECTION BOARD NOTICE OF A SPECIAL ELECTION TO BE HELD ON OCTOBER 10, 2023.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 08/8/2023

REQUESTER: Brenda Hall, City Clerk

PRESENTER: Brenda Hall, City Clerk

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-33: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, GIVING THE SECRETARY OF THE CLEVELAND COUNTY ELECTION BOARD NOTICE OF A SPECIAL ELECTION TO BE HELD ON OCTOBER 10, 2023.

Resolution

R-2324-33

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, GIVING THE SECRETARY OF THE CLEVELAND COUNTY ELECTION BOARD NOTICE OF A SPECIAL ELECTION TO BE HELD ON OCTOBER 10, 2023.

- § 1. WHEREAS, Title 26 of the Oklahoma Statutes, §13-102, requires Notice of Election be given to the Secretary of the Cleveland County Election Board by Resolution of the City Council; and
- § 2. WHEREAS, the purpose of the Special Election is set forth in Ordinances O-2324-5 which is incorporated herein by reference; and
- § 3. WHEREAS, the Special Election is to be conducted on the 10th day of October, 2023.

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

- § 4. That notice be given of the Special Election by transmittal of this Resolution to the Secretary of the Cleveland County Election Board.

PASSED AND ADOPTED this 8th day of August, 2023.

Mayor

ATTEST:

City Clerk

