

## CITY COUNCIL CONFERENCE MINUTES

May 5, 2015

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:00 p.m. in the Municipal Building Conference Room on the 5th day of May, 2015, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

### PRESENT:

Councilmembers Allison, Castleberry, Heiple, Holman, Jungman, Lang, Miller, and Mayor Rosenthal

### ABSENT:

Councilmember Williams

Item 1, being:

DISCUSSION REGARDING THE FOLLOWING COMPONENT OF A CITIZENS' QUALITY OF LIFE INITIATIVE ENTITLED "NORMAN FORWARD":

- CANADIAN RIVER PARK
- PUBLIC ART COMPONENT FOR NORMAN FORWARD PROJECTS
- COMMUNITY SURVEY

### **Canadian River Park**

Mr. Jud Foster, Director of Parks and Recreation, said the tonight's discussion will begin with a Norman Forward (NF) presentation for a proposed river park project along the South Canadian River in southwest Norman. He said a Canadian River Park Plan Study was done in 1984-1985 because the City of Norman recognized the South Canadian River, west and south of Norman, would be a great resource for recreation, wildlife preservation, and visual enjoyment, as well as the historic and natural features of the river and a need to protect the variety of natural habitats, conditions, and visual quality from the encroachment of the City. Mr. Foster said the Greenway Master Plan Study was completed in 2009 and nature trails would be a great opportunity for wildlife observation, scenic trails, and educational uses for groups of all ages. He said the Parks Master Plan (PMP) highly recommended Little River and Canadian River corridors be preserved primarily as passive native preserves with trails that maintain the natural quality of the corridors and allow some access.

Mr. Foster introduced Mr. John K. Cougher, Canadian River Conservancy (CRC) member, stated CRC put together tonight's presentation and Mr. Cougher will be presenting it to Council.

Mr. Cougher said Norman has an amazing river system that is largely not being used and a lot of studies have shown that the benefits of trails and nature parks make communities better places to live by preserving greenways and creating open space. He said there are additional benefits of trails and nature parks, e.g., encourage physical fitness and healthy lifestyle by providing safe and inexpensive opportunities for regular exercise; create new opportunities for outdoor recreation; strengthen local economics and provides opportunities for economic renewal and growth; protect the environment by preserving important habitats and vital wildlife corridors; provide opportunities for environmental education; and preserve cultural and historically valuable areas.

Mr. Cougher said he had spoken with Oklahoma City (OKC) Mayor Mick Cornett and Mr. Cornett liked the concept of branding the metro area as being health conscious, using outdoor recreation to walk, jog, push strollers, etc. He advised Council to look at a study completed by the Trust for Republic Land which states property values increase when located near a park and bird-watching is a major activity bringing economic value of \$110 per day per person.

Mr. Cougher said the Platte River located in Nebraska it is a beautiful example of a braided prairie river where people come from all over to bird-watch. He said the Canadian River could also be a wonderful braided prairie river because of its twists, turns, outlines, and basic contours. He highlighted the proposed area which is

approximately 400 acres and the CRC has had discussions with the property owner of the current mobile home park at the east end of proposed park site.

Mr. Cougher highlighted a rough schematic of what the proposed Canadian River Park could look like with primitive trails. He said many of the people already access this particular area to jog and/or walk dogs. The land is privately owned, and technically not legally accessible, but it is the only access currently to the river. He said a portion of this area would be ideal for a Nature Center because it is the only area out of the floodplain on this site.

Mr. Cougher said the proposed Canadian River Park could potentially draw a lot of people to the area and would have a prairie river nature park theme. He said passive uses include hiking, biking, picnicking, photography, and wildlife observation. The park would be a fascinating place having a nature, cultural, and history center, as well as pavilions, picnic tables, restrooms, trail benches, shelters, water features, and paved and semi-primitive walking and biking trails. Mr. Cougher said the ecologists from the Nature Conservancy Center looked at the proposed area and agreed most of the plants are native; therefore, it would be a primary area to educate people about the native Oklahoma plants and their usages, e.g., using native plants in landscaping to help with water conservation.

Mr. Cougher said the proposed Canadian River Park would be a phased development with Phase One including the entrance, roads, bridge and parking lots; trailhead facilities, restrooms, picnic tables, and pavilions. The trail system would include paved and primitive trails, benches, and signage; and enhancements such as water features and observation decks. He said Phase Two would include the construction of a nature-cultural-history center; native plant and flower gardens; and outdoor environmental education facilities.

Mr. Cougher highlighted the development budget for the proposed park project prepared by a CRC member in conjunction/consultation with the State Trails Commission which totaled \$1,995,000 for Phase One.

Councilmember Miller asked whether Staff had looked at and/or consulted on CRC's proposal for Canadian River Park and Mr. Foster said yes, stating Staff felt that the budget list is reasonable; however, some of the numbers may be a little low and some of the numbers may be a little high. Councilmember Castleberry asked why the budget did not include a land acquisition cost and Mr. Cougher said the land owner, Moore Family Trust, has indicated they would like to donate the land outright. Mr. Cougher said part of the land is owned by the family trust and part of it is owned by Anthem Corporation, which is 50% Copeland Family Trust and 50% Moore Family Trust. Mr. Foster said Staff's research shows Anthem Corporation owns most of the 400 acres, more specifically the land north of Lindsey Street to the south side of Shadowridge and Willowbend Additions. He said the Moore Family Trust owns the area south of Lindsey Street to 60th Avenue West.

Mr. Cougher said it has been a few months since he has spoken to Mr. Moore, Moore Family Trust, but his intention is to donate this property and he has begun working out details with Mr. Copeland. He said a portion of the land area north of Lindsey Street, which is highly developable and out of the floodplain, would not be part of any land donation.

Councilmember Heiple said since most of the land area is in the floodplain, no land that could potentially be developed is in jeopardy and Mr. Shawn O'Leary, Public Works Director, said that is correct. Councilmember Castleberry asked whether the water features shown would need to be created or were they already in the proposed area.

Mr. O'Leary said the water features would need to be created and excavation could be done in the floodplain in order to make a permanent water feature and/or wetland. Councilmember Castleberry asked if such excavation would be permitted in the river floodplain and Mr. O'Leary said creating more storage in the floodplain would be a good thing and any such development would be under a careful, regulatory process with the state and federal government.

Councilmember Holman asked what the annual cost would be to operate a proposed park and Mr. Foster said maintenance would be minimal since the intent is to leave the trails in a very natural state; however, building

maintenance would likely increase once a nature center was constructed. He felt more police enforcement would be necessary and additional costs in that regard were anticipated.

Councilmember Miller asked whether state and/or federal funding is available for trails and Mr. Foster said the City has been very successful in obtaining trails grants in recent years.

Councilmember Castleberry asked whether a budget has been put together for Phase Two and Mr. Cougher said no, but anticipated a heavy lift in fundraising would need to occur.

Councilmember Allison asked what the next steps would be to see if a Canadian River Park would be feasible and Mr. Steve Lewis, City Manager, said Staff would do preliminary work in terms of land ownership. Mr. Lewis said Staff would also research floodplain, maintenance, and law enforcement issues, as well as probable operating expenses. He said if Council decides to advance this park project forward, the procedure would involve a very formal planning process including inviting stakeholders to meetings in order to put together a "Master Plan" for Canadian River Park. He said the process would be comparable to the Ruby Grant Park and Legacy Park planning processes in 2008 and the Conceptual Recreational Plan for the South Canadian River study completed in 1985 would need to be updated.

Councilmember Miller asked Staff at what point would the City formally have conversations with the property owners and Mr. Lewis said if Council desires to advance this project, speaking to the property owners would be one of the first steps, as well as looking at outside funding opportunities. He felt that national environmental groups such as the Nature Conservancy Center and Audubon Society may have suggestions for funding for bringing dollars to the table for the project.

Councilmember Lang asked Staff how long it would take to get through the regulatory process to a finished product. Mr. Foster felt from start to finish the entire process would take approximately two (2) years, stating that updating the Conceptual Recreational Plan for The South Canadian River Study would need to be completed first and will take approximately six (6) months. Mr. O'Leary agreed and said this area is regulated by the United States Army Corp of Engineers, as well as the Water Resources Board, Department of Environmental Quality (DEQ), Fish and Wildlife, etc., and will involve many permitting processes.

Councilmember Jungman asked how much the City spends annually on parks out of the Capital Budget and Mr. Anthony Francisco, Finance Director, said approximately \$1.2 million. Councilmember Jungman asked whether the Capital Budget would be freed up if many of the PMP projects are accomplished through NF via a bond package and Mr. Francisco said that could be one decision Council could make. Councilmember Jungman said, in that case, there may be some room in the out years of the Capital Budget to fund projects in parks such as the Canadian River Park or something similar and Councilmember Castleberry concurred.

Councilmember Castleberry asked Staff whether it is anticipated that this project would be approved by the regulatory agencies and Mr. O'Leary said he believed it would be favorable. Councilmember Heiple asked if this project would be an asset and opportunity that no one else in the state has and Mr. Cougher said there are river parks in Tulsa and OKC; however, this proposed park project will be the only true natural river park along I-35.

Ms. Mary Francis, 850-C Cardinal Creek Condos, asked the length of the property and Staff said it is possibly three miles. She felt it would be a great size for walking trails.

Mr. William Hickman, 517 Macy Street, stated there is an economic opportunity/benefit of running trails, cross county, etc., and Mr. Cougher agreed, and felt a lot of economic opportunity can be brought to Norman and adjacent areas with this project. Mr. Cougher said the proposed project being positioned along I-35, with a predicted 90,000 cars crossing the Canadian River in the near future, could be a beautiful gateway into the City, as well as a great draw to businesses along the Ed Noble Parkway.

Mr. Jonathan Fowler, 422 Park Drive, asked whether this would impact other proposed NF Parks projects and Mayor Rosenthal said this was not specifically in the NF proposal. She said this is a separate item in the PMP and will not impact Norman Forward proposed park projects. Councilmember Castleberry asked whether this type of project can be completed through the Capital Fund and Mr. O'Leary said capital elements such as parking lots, restrooms, buildings, trails, etc., have been done using Capital Improvement Project funds in the past. Mr. O'Leary said the Greenbelt Acquisition account would be another funding opportunity for Council to consider.

Councilmember Miller thanked Mr. Cougher for his work with this project and felt this is an amazing opportunity to do something incredible for Norman.

Items submitted for the record

1. Memorandum dated May 1, 2015, from Mr. Jud Foster, Director of Parks and Recreation, to Mr. Steve Lewis, City Manager
2. PowerPoint presentation entitled "Canadian River Nature Park," prepared by Canadian River Conservancy, dated May 1, 2015, with three attached maps reflecting proposed size and location for Canadian Park, three pages from the Parks and Recreation Master Plan reflecting concept of developing a river park, supplemental information from the Canadian River Conservancy, and list of the Canadian River Conservancy Board of Directors

**Public Art Funding**

Mr. Terry Floyd, Development Coordinator, said at the April 9, 2015, Norman Forward (NF) presentation, Council discussed potential funding for a public art component for projects included in the NF project package. Staff researched public art ordinances in Oklahoma City, Edmond, Tulsa, and larger cities across the country to determine criteria and percentages for use of funding for public art associated with public construction projects and generally, these ordinances include a one percent (1%) funding component for public art when public projects matching certain criteria are built. There are variations among the ordinances researched, but typically the qualifying project criteria include 1) public buildings visited by the public; 2) larger renovations of public buildings; and 3) major additions or renovations to public parks.

Mr. Floyd said some cities do establish project qualification criteria based upon total project cost threshold that can include road and other construction projects in the public right-of-way (ROW).

Mr. Floyd said public art is defined in City of Norman Code 4-201(b) as sculptures; paintings, mosaic; photography; fine crafts made from clay, fiber, textiles, etc.; drawings; calligraphy; mixed media; unique architectural stylings or embellishments; ornamental gateways; and restoration or renovation of existing works of art of historical significance.

Mr. Floyd said in the public art ordinances researched by Staff, the public art and placement are approved by public art committee or other organizations defined within the ordinance. He said public art and placement is approved in the City of Norman ordinance by the Norman Arts Council, upon recommendation of the Public Art Board. The Public Arts Board consists of three (3) members nominated by the Mayor and confirmed by Council; two (2) members appointed by the Norman Gallery Association; one (1) member appointed by the Norman Arts Council Roundtable Advisory Group; and one (1) member appointed by the Norman Convention and Visitors Bureau (NCVB). All board members must be Norman residents for at least one (1) year and have knowledge or expertise in the area of public art.

In ordinances researched by Staff, funds set aside for public art can be used not only to purchase public art, but can be utilized for maintenance of public art and some nominal administrative costs associated with the project.

Mr. Floyd highlighted the application of an ordinance to NF stating if a one percent (1%) budgeting component, similar to OKC Public Art Ordinance, was applied to the projects included in the NF package, one percent (1%) would need to be added to the NF project budget to be set aside in a separate fund to be spent on public art placed in

public places. He said this art could be included as part of the projects as they are constructed or utilized in other public areas to place public art.

*Project Criteria for 1% Public Art Requirement Under OKC Public Art Ordinance:*

- Public buildings visited by the public;
- New park development;
- Building with additions that increase the building square footage by 20%;
- Buildings with renovations of 25% of the interior square footage; and
- Parks projects requiring “significant work on an existing park, which enhances the function or use of the substantial areas of an existing park.”

*Projects that DO NOT Qualify for 1% Public Art Requirement Under OKC Public Art Ordinance:*

- Buildings reasonably expected to be used exclusively by City employees, e.g., parks maintenance building;
- Roads; and
- Land Acquisition.

Councilmember Castleberry asked if the public art would be located within the project area or elsewhere and Mr. Anthony Francisco, Finance Director, said the ordinance states it does not necessarily have to be located on the project site. Councilmember Castleberry wondered if the public art would then be limited to only 1% on the NF projects and Mr. Terry said it would only be 1% on the project; however, Staff can request additional public art and budget can be enhanced.

Councilmember Allison said his intent was to include one percent (1%) on NF by adding 1% to the NF budget, rather than taking 1% away from project budget estimates. He would like to see the artwork located at each of the project site(s).

Councilmember Heiple said he is supportive of an art component and Councilmember Castleberry said he believes NF included a cost for artwork and Mr. Mike Fowler confirmed each budget item in NF includes a cost for art.

Councilmember Lang said he would want Council to have proper oversight.

Items submitted for the record

1. Memorandum dated May 1, 2015, from Mr. Terry Floyd, Development Coordinator, through Mr. Steve Lewis, City Manager, to Mayor and City Council

**Community Survey**

Mr. Steve Lewis, City Manager, said as a part of the continued dialogue for Norman Forward (NF), Council indicated interest in conducting a statistically valid survey of Norman residents to gather additional feedback and perceptions of projects included in the NF package. He said the feedback would be utilized by Council in further upcoming project discussions and decisions. Mr. Lewis said when NF began presenting their project plan(s) they indicated a considerable amount of public polling had been done a few years ago and the results anticipated the projects would be very successful. He said given the difference between the NF projects to what was previously submitted to the voters in recent years, i.e., water and sewer increases, Staff felt it was important to go to the voters with a survey to determine their interest now that budget and sales tax impact numbers are available.

Currently, an online survey containing follow-up questions from the NF Council conferences is posted on the City website and the response rate has been positive for the three (3) NF Council conferences “question sets” that are currently posted. Additionally, “question sets” for the remaining NF meetings will be posted as those meetings are completed. Mr. Lewis provided results from the online survey questions that have been posted on the NF webpage on the City website. He said to date; over 700 individual responses have been gathered for the questions. Although the information from the current online survey is useful, Council felt the surveys are not statistically valid.

Mr. Lewis suggested a scientific survey be conducted to obtain voter input and in order to conduct this type of survey, the City will need to hire a firm specializing in survey research, stating Staff has been talking with the consultant who conducted a Quality of Life Survey for the City in 2008. He said the survey would have 24-32 questions and take approximately 10-20 minutes to complete. The firm would distribute the survey to a randomly selected sample of 4,500 households, via traditional mail, internet, and phone; hopefully, obtaining 650 completed surveys. At least 600 completed household surveys will be needed from the randomly selected sample and the surveys would have a margin of error +/-4% at the 95% level of confidence. Mr. Lewis said the estimated cost for this type of survey is \$23,000.

Mr. Lewis said the NF online results will be utilized in discussions for the development of the statistically relevant survey and the consultant/firm would work in conjunction with the City. He highlighted the general survey parameters as follows: 1) prepare the survey instrument; 2) administer the survey; 3) analyze survey results; and 4) develop a final report and present findings of the survey results.

Councilmember Castleberry asked whether Staff would draft a Request for Proposal (RFP) or simply go with the consultant who conducted a Quality of Life Survey for the City in 2008. Mr. Lewis said due to time sensitivity and anticipating taking the NF package plan to the voters in a fall election; Staff recommends going with the same consultant/firm rather than drafting a RFP. Councilmember Castleberry asked the pros and cons of using the same consultant and Mr. Lewis said from what he understands this firm has a familiarity with public policy issues and conducts similar work/surveys for many counties and cities; stating they have a database(s) to conduct a comparison of our results with the other communities around the country. Mr. Lewis said Staff has not interviewed the firm/consultant to ask what their specialties are. Councilmember Castleberry asked who would draft the questions as well as whether or not Council would get to review the questions. Mr. Lewis said if Council directs Staff to proceed tonight, he anticipated having survey results within six (6) weeks; therefore, any delays, e.g., Council reviewing the questions, etc., may cause an impact on the timing of the survey. He said certainly it is Council's prerogative to review the questions before the survey is done.

Councilman Castleberry asked what the City is trying to learn from the survey, i.e., what NF projects are favored, are citizens in favor of the entire NF plan or are citizens in favor of a sales tax increase and/or property tax increase? Mr. Lewis said all of the above in order determine which of the projects Norman citizens are most interested in and what NF price point is acceptable. Councilmember Allison felt the survey needed to be focused on the NF projects rather than trying to gather public input for additional projects and/or ideas and Mr. Lewis said the survey would be focused on NF projects that have been discussed to date.

Councilmember Castleberry asked if the survey would be after the public meetings are held and Mr. Lewis felt, the survey work will begin after the May 14, 2015 NF Council Conference meeting. Mr. Lewis said this item was scheduled tonight so Staff could request guidance from Council regarding proceeding or not with the survey consultant. He said if Council directs Staff to go forward with the surveying process, Staff will give the contractor notice to proceed, and Council should have survey results within six (6) weeks.

Mayor Rosenthal felt survey results could be accomplished in a quicker time than six (6) weeks and recommended over sampling regular municipal voters because at the end of the day they are the most likely citizens who go to the voting polls. Councilmember Castleberry felt there may be people interested in some/all of the NF projects, because they have a passion about parks, or an aquatic center, or convention center, or library, etc., who may not be as interested in general politics as a whole; therefore, may not vote on general elections but would most likely vote on NF projects. He felt some sampling of regular municipal voters would be fine, but not to oversample regular municipal voters.

Councilmembers Lang and Jungman felt the public input for packaging may be important to have before proceeding with a survey.

Mayor Rosenthal said alternatives, trade-offs, and timing is important. She said Council will revisit this issue on May 14th or after the Public Meetings.

City Council Conference Minutes

May 5, 2015

Page 7

Ms. Joy Hampton, *The Norman Transcript*, asked what the City was looking for in the survey and Mayor Rosenthal said during the public meetings, the City will get a better understanding of what citizens would like to see happen in Norman regarding NF projects. Mayor Rosenthal said a survey would gather results to see if voter approval can be accomplished for those particular NF projects.

Items submitted for the record

1. Memorandum dated May 1, 2015, from Mr. Steve Lewis, City Manager, to Mayor and City Council
2. Memorandum dated May 5, 2015, from Mr. Steve Lewis, City Manager, to Mayor and City Council with attached Norman Forward – Online Survey Results for the first three Norman Forward City Council Conferences, as of May 5, 2015

\* \* \* \* \*

The meeting adjourned at 6:20 p.m.

ATTEST:

---

City Clerk

---

Mayor