

CITY COUNCIL STUDY SESSION MINUTES

March 17, 2020

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Study Session at 5:30 p.m. in the Municipal Building Council Chambers on the 17th day of March, 2020, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Bierman, Hall, Holman, Petrone, Scanlon, Scott, Wilson, Mayor Clark
ABSENT:	Councilmember Carter

Item 1, being:

DISCUSSION REGARDING THE PORTER/ACRES INTERSECTION PROJECT.

Mr. Shawn O'Leary, Director of Public Works, introduced Mr. Brett Cabbiness, Cabbiness Engineering, Mr. Scott Sturtz, City Engineer, and Mr. Paul D'Andrea, Capital Projects Engineer.

Mr. Bret Cabbiness, Cabbiness Engineering, said Council accepted the Porter Corridor Study in September 2019, approved an engineering contract with Cabbiness Engineering for the Porter and Acres Intersection Project in February 2013, received a conceptual design report for the Porter and Acres Intersection Project in September 2013, and approved Amendment No. Two to the contract with Cabbiness Engineering in July 2017. He said on April 2, 2019, voters approved 19 projects in the 2019 Transportation Bonds that included Porter Avenue and Acres Street improvements and Porter Avenue Streetscape Project, Phase I.

Mr. Cabbiness said the Public Streetscape Concept Design Report sparked the corridor improvement debate. The report outlined goals for improvements ranging from access management, streetscapes, landscapes, and roadway designs; however, the report was only conceptual with no real engineering data to support the designs.

Mr. Cabbiness said Cabbiness Engineering reviewed Porter Avenue from Robinson Street to Alameda Street beginning with the investigation of some intersection concepts presented in the Ochsner Hare and Hare document from June 2010. He said Cabbiness Engineering's conceptual design study finalized three concepts that revolved around the intersection of Porter Avenue and Acres Street for Council's consideration. He said in Design Option One, Cabbiness Engineering tried to stay on the existing center line of Porter Avenue at that intersection. He said all three designs presented Daws Street as a cul-de-sac not making a connection to Porter Avenue because of safety and design considerations. He said Design Option Two shifted the center line of the proposed improvements to the west of the existing center line that would allow the City to minimize additional impacts to existing businesses in the area as well as the amount of right-of-way (ROW) and utility relocations needed.

Item 1, continued:

Mr. Cabbiness said Design Option Three was a conceptual idea for a roundabout at the intersection. The roundabout would be two lanes in each direction that would support the truck traffic from Hiland Dairy as well as east/west pedestrian traffic. He said the large footprint and impact to businesses and property owners made this option a very difficult concept.

Mr. Cabbiness said the three design options were presented to Council in 2013, and Design Option Two was preferred by Council. This design consists of a five lane signalized intersection basically centered on the existing roadway alignment that accomplished safety goals for both vehicles and pedestrians. The design was least impactful to businesses with minimal ROW purchase required. He said Council selected Design Option Two in July 2017, and Cabbiness Engineering was given notice to proceed to final construction plans at that time.

Cabbiness Engineering has submitted a 90% complete construction plan to the City for their final review that includes a five lane signalized intersection; improved street drainage; upgraded street lighting; Americans with Disabilities Act (ADA) compliant sidewalks and sidewalk ramps; a slight modification of the Daws Street cul-de-sac that reduced the need to acquire one existing business; and incorporating Porter Avenue Streetscape themes. He said ROW acquisition is underway and utility relocations are taking place with construction scheduled to begin in the summer of 2020.

Cabbiness Engineering wanted to ensure elements in the intersection improvements carried throughout the entire corridor so they revisited the Ochsner Hare and Hare document to develop some inspirational concepts from streetscape elements and themes, some concepts not supported by engineering, and to ensure ADA sidewalk and sidewalk ramp compliance for the design. He said to-date, Cabbiness Engineering has developed the topographical survey, conducted field reconnaissance, developed conceptual designs and themes, and prepared a presentation for owner concurrence and approval to move toward construction plans.

Mr. Brent Wall, Landscape Architect with Landscape Architecture and Urban Design (LAUD) Studio, said LAUD worked closely with City engineers and Cabbiness Engineering to interject the landscaping architecture portion of the project. He said LAUD walked the entire corridor looking at each building and all the different ROW setbacks as well as existing vegetation, building types, etc. He said goals for the project include the need to reflect the best of Norman (using an art deco theme), pedestrian friendly tree lined streets for shade, creating a unifying design across the corridor, and improving lighting along corridor. He said LAUD prepared categories of essential, custom, and alternate options for the Porter Corridor with categories consisting of landscaping; paving; lighting; furnishings; signage; and art deco themed gateway. He highlighted landscaping essentials as trees, groundcover, and irrigation; Paving essentials as curb, ramps, sidewalk; Lighting essentials as street lighting to match Main Street; Furnishing essentials as a leaning bench at bus stop; Signage essentials as bus stop signage, pedestrian crossing signage, and cross walk striping around the intersection of Porter Avenue and Johnson Street.

Item 1, continued;

Mr. Wall highlighted custom category landscaping as shrubs, vines, and forbs; paving as stamped and integrated colored concrete; furnishings as covered bus shelter and trash cans at key intersections; signage as cross walk striping along Porter Avenue; and gateway as wing walls with stock fencing at Robinson Street. He highlighted alternative options for landscaping as decorative screening; paving as decorative Bomanite concrete bands at street lights that can be a visual cue to help reduce speed; furnishings as branded bus shelter with bike repair station; signage as banners on light posts and branded street signs; and gateway as custom railing at corners of Robinson Street and other intersections.

Mr. Wall said the curb to curb width of intersections along Porter Avenue are narrow and LAUD is recommending corner alignments and radii to make all curbs along the corridor unified. He said the biggest challenge on Porter Avenue is the different multiple setbacks some businesses may be setback 20 feet while others are setback ten feet and some that are right at the property line so each one of these situations has to be evaluated for installation of sidewalks and tree planting. He said once sidewalks are added to some of these areas, it gives very little vehicle backup space so LAUD is suggesting a parallel parking option in front of the those affected businesses. He said some businesses have parking in the back that is currently not utilized so angled parking with exit from the back could be feasible. He said LAUD is also proposing the reduction in the width of entries and exits to a 24-foot minimum for businesses along Porter Avenue to make each entry consistent and unified across the corridor and increase pedestrian safety by decreasing crossing time.

Mr. O'Leary said next steps for Porter Avenue and Acres Street Intersection improvements included a public meeting on March 30, 2020, which has been postponed indefinitely due to COVID 19. He said private utility relocations are proposed to be completed by March 21, 2020; ROW acquisitions will be finalized in June 2020; construction plans are expected to be finalized in June 2020; open bids are scheduled in the summer of 2020; construction is expected to begin in late summer 2020; and construction is expected to be completed by late spring 2021.

Mr. O'Leary highlighted next steps for the Porter Avenue Streetscape Project that includes a public meeting on March 30, 2020, which has been postponed indefinitely due to COVID 19; preliminary design completion in October 2020; no anticipation of utility relocations; finalization of ROW and easement acquisitions by February 2021; finalization of construction plans by March 2021; open bidding in spring 2021; construction proposed to begin in summer 2021; and anticipated construction completion in winter 2021.

Mr. O'Leary said Porter Avenue will have one lane of traffic open in each direction during construction.

Councilmember Holman asked if there is a recent traffic count on Porter Avenue from Robinson Street to Alameda Street and Mr. Sturtz said he did not have that information at hand, but can forward that information to Council. Councilmember Holman said he is interested in how the traffic counts on Porter Avenue compare to Main Street and Gray Street.

Item 1, continued:

Mr. O’Leary said in the Porter Corridor Study, the Porter Corridor from Robinson Street to Alameda Street varied from 17,000 vehicles per day to 21,000 vehicles per day and suspects those number have increased. He said Gray Street carries 7,000 to 8,000 vehicles per day and Main Street carries 10,000 to 12,000 vehicles per day.

Councilmember Holman said he would like to see the traffic data on Classen Boulevard from Alameda Street to Boyd Street.

Councilmember Holman asked if the sidewalks along the Porter Corridor will be new and not refurbished and Mr. Cabbiness said in Phase I, the scope of work is to construct new sidewalks from Robinson Street to Gray Street and in Phase 2, the scope of work is to construct new sidewalks from Gray Street to Alameda Street, which is currently unfunded. Councilmember Holman said he is very upset that the sidewalk project will be done in two phases instead of one because for over a year he has been telling citizens the City is going to improve the Porter Avenue from Robinson Street to Alameda Street. He said this project has been anticipated for a decade and to only do half of the project when voters approved the entire corridor is shocking to him.

Mr. Darrel Pyle, City Manager, asked what the budget was for Phase I and Mr. Sturtz said \$1.8 million that incorporates the Streetscape Project and the Porter Avenue and Acres Street Intersection Improvements. Mr. Pyle asked if the project is in conformity with what was proposed to the voters and Mr. Sturtz said yes. Councilmember Holman said the whole point of placing the project on a ballot was to improve the entire corridor and the Porter Corridor Study includes Alameda Avenue to Robinson Street and he never would have supported placing half a project in front of voters. Mr. Pyle said Staff will review the ballot language to make sure everything is being done in compliance with that.

Councilmember Hall said she understands the postponement of the public meeting had to be done in the current circumstances, but she remains hopeful the City can reschedule that before the project begins. She said there is high interest in these projects from the surrounding neighborhoods and wants public input to be a high priority.

Councilmember Hall asked how the City will be working with business and property owners along Porter Avenue in regards to closing a lane, parking issues, setbacks, etc., and Mr. O’Leary said change is a journey and is difficult especially along older corridors. He said Staff has been working with every single property owner for two years and the cul-de-sac has been redesigned several times to accommodate the property owners. He said every property owner along the corridor will be impacted at the very least by driveway reconstruction and parking realignment so the designers will work with each property owner individually to determine their concerns to help minimize the impact to businesses.

Item 1, continued:

Councilmember Hall said pedestrian safety can be different than pedestrian walkability and asked Mr. Wall which way LAUD is leaning. Mr. Wall said ideally safety and walkability would both occur, but the main goal is to limit the amount of time that people are in the street so when moving north and south the curbs can be adjusted to shorten that distance. He said for every intervention there is an implication on the traffic so at some point the decision needs to be made on who will have the hierarchy, but LAUD always tries to lean towards pedestrian safety.

Councilmember Holman said sometimes communities have to make a choice between accommodating vehicles or accommodating pedestrian walkability for surrounding neighborhoods. He said improvements to James Garner Avenue will be vital to reducing traffic on Porter Avenue so he is looking forward to that project as well as moving forward on the Porter Avenue improvements.

Items submitted for the record

1. PowerPoint presentation entitled, "Porter Avenue Corridor Projects Update – Porter Avenue Streetscape Phase I and Porter and Acres Intersection Improvements," dated March 17, 2020

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Item 2, being:

CONTINUED DISCUSSION REGARDING NORMAN FORWARD PROJECTS AND OTHER MUNICIPAL FACILITIES NEEDS.

Ms. Kathryn Walker, City Attorney, said presentations to Council were made on February 25th and March 3rd that illustrated the need for additional funding for a number of projects. She said election ordinance language was completed today and Staff is moving forward as if the City is having a June 30th election knowing that discussions are ongoing. She said the ordinance would be on Council's agenda next Tuesday for First Reading with Second Reading on April 14th. She said the City will be asking for the issuance of General Obligation (GO) Bonds in the amount of \$91,355,000 for the purpose of improving, renovating, acquiring, and equipping parks, recreational, and community facilities and related public art installations. The City will also be asking for \$27,200,000 for municipal services facilities to be exclusively owned by the City of Norman, which would qualify as a public utility allowing for the issuance of bonds for the projects.

Ms. Walker said there are several sections of the Oklahoma Constitution by which the City may issue General Obligation (GO) Bonds. She said Article 10, Section 35, of the Oklahoma Constitution limits bonds for "economic development" or "community development" purposes to five mills on the dollar. Article 10, Section 27, gives cities broad authority to call an election for the purpose of purchasing, constructing, or repairing public utilities. She said the land has to be exclusively owned by the City and has to be for a "public utility" project.

Item 2, continued:

Ms. Walker said public utilities have been broadly construed to include most types of municipal projects provided that the facilities are exclusively owned by the City. Each category or group of projects must be presented as separate propositions and bond proceeds can only be used for the purpose approved by the voters. She said by law, at least 70% of the total amount of the bonds must specify projects and dollar amounts, but Norman's practice for many years has been to identify 100% of the projects to which the proceeds will be allocated. Once approved by the voters, the Attorney General (AG) must review and approve the ballot questions to ensure compliance with state law. If the AG invalidates a proposition, it cannot go forward even though the voters approved it.

Ms. Walker said language in Proposition No. 1, Parks, Recreation, and Community Facilities Bond Projects, was amended to add \$700,000 to include everything that was in the original master plan for the current phase. She said homeless facility language has been added that references the needs identified in the Comprehensive Homeless and Housing Study to be undertaken by the City. The projects in the proposition include an Indoor Aquatic and Multi-Sport Center - \$58,681,000; Senior Wellness Center - \$4,848,000; Softball/Football Sports Complex - \$9,090,000; Ruby Grant Park - \$2,121,000; Reaves Park - \$7,373,000; Homeless Shelter Facility - \$5,000,000; and Parks Maintenance Facility - \$4,242,000 for a total of \$91,355,000.

Proposition No. 2, Municipal Facilities Bond Projects, identifies where 100% of the proceeds will be spent for a Transit and Fire Maintenance Facility, Municipal Complex Improvements, and Emergency Operations Center (EOC). The projects in the proposition includes a Transit and Fire Maintenance Facility - \$7,900,000; Municipal Complex Improvements - \$11,300,000; and Emergency Operations Center - \$8,000,000 for a total of \$27,200,000.

Councilmember Wilson asked that Council not discuss this topic tonight because the world is in a vast, changing environment where people may lose their homes, jobs, livelihoods, and it is insensitive to discuss asking citizens for so much money. She does not want to participate because these projects are mostly nice to have, but are not a need and the City should be focusing on the global pandemic impact to Norman.

Councilmember Holman said he does not disagree with Councilmember Wilson's concerns, but he also believes Council has a judiciary responsibility to look after the City's budget regardless of what is going on in the world. He said the NORMAN FORWARD (NF) projects were approved by voters and they have to be done and the longer the City waits the more expensive the projects become. He said interest rates are at an all time low and the City needs to take advantage of that.

Councilmember Holman said several Councilmembers requested that full funding for the Senior Center be included in the ordinance with the assumption that Norman Regional Hospital (NRH) will not be contributing to construction of the facility if it is located at the Porter Campus. He asked if the amount in the ordinance will be appropriate to cover the full costs combined with what is already budgeted and Ms. Walker said yes.

Item 2, continued:

Councilmember Holman asked if \$7.3 million was enough money to fully fund Reaves Park improvements and Ms. Walker said that figure will increase to \$8.073 million, which is the \$700,000 she mentioned earlier. Mr. Jud Foster, Director of Parks and Recreation, said the additional \$700,000 allows the City to reinstate the add alternates that were part of the original Baseball/Softball Facility, but does not include some improvements to the park, such as the splash pad, stage area, festival grounds area etc., that were always anticipated to be done in a later phase.

Councilmember Holman said he supports the homeless facility, but has concerns about putting language in the ordinance that the City is going to do something based on a study that has not been done yet. He would like more information on this project and cannot support a June election.

Councilmember Bierman said she agrees with Councilmember Wilson that Council should not be talking about this right now. She said it is irresponsible and ignores the significant situation that a number of Norman residents are in right now, some of whom have lost jobs due to the pandemic. She said there is no way she can support moving forward with a June election and ask residents to vote to raise their property taxes when Council knows the economic impact of what is going on right now is going last at least six months to a year.

Councilmember Scott said she supports giving voters the opportunity to vote on these projects because she is optimistic that things will get better. She also supports including the homeless funding in the proposal and would like to focus more on job training and getting the homeless back into the working society.

Councilmember Petrone asked if 100% of the bond has to be a public utility with land owned by the City and Mr. David Floyd, Floyd Law Firm, said yes. Councilmember Petrone said the City does not currently own the land in University North Park (UNP) where the Indoor Aquatic and Multi-Sport Facility is proposed to be located or the land at Griffin Park where the Baseball/Softball Facility is proposed to be constructed. Is that a problem? Ms. Walker said these propositions contemplate the City owning the land and there is an agreement for the purchase of the land at UNP. She said the City owns land at Reaves Park where the Senior Wellness Center is proposed to be constructed, but if that changes it will be addressed in the contract with NRH if the Porter Campus is chosen as the site. She said Griffin Park is not listed in the proposition because the City does not own the land. Councilmember Petrone asked if the City has to own the land before being placed on the ballot and Ms. Walker said the City has to own the land before it spends the money and the plan is to use UNP Tax Increment Finance (TIF) District funds for land acquisition in the UNP.

Item 2, continued:

Councilmember Petrone said in November 2008, voters approved a bond for Municipal Complex renovations that included a Senior Center in the old Central Library and asked if the City is assuming it will be able to use that money for the Municipal Facilities Project and Ms. Walker said yes. Ms. Walker said when NF was discussed in 2015, the Senior Center Project was added to NF and feedback over the past five years have consistently indicated the senior group does not want to be located in the old Library. They want a new freestanding facility that is not located in the Municipal Complex and because of that, Staff filed a declaratory judgement action to find out if the court would approve the use of the full 2008 Bond amount for Municipal Complex renovations. She said the proposition being discussed tonight is to construct a new stand-alone Senior Wellness Center. Councilmember Petrone asked the amount of the 2008 Bond and Ms. Walker said the total amount was \$11.2 million and \$1.1 million of that was for a Senior Center in the old Central Library once a new Central Library was constructed; however, the proposition to construct a new Central Library failed in 2008. Councilmember Petrone asked if the proposition being discussed tonight assumes the City will be getting the money from the 2008 Bond and Ms. Walker said yes. Councilmember Petrone said the Municipal Complex renovations would not be fully funded if it is determined the 2008 Bond cannot be used. Ms. Walker said the judge's decision will not prevent the City from accessing that money because the City would still have \$10 million to spend on the renovation project plus the \$11 million include in tonight's ordinance. Councilmember Petrone said if the proposition does not pass, what happens then? Ms. Walker said the current budget would allow the renovation of the old Library and move Building A and some departments in Building C into the old Library. It would also allow renovating Building A for Municipal Court; however, the remaining renovations would have no funding.

Councilmember Petrone said the vision for the Senior Wellness Center is not fully funded through NF and Ms. Walker said some phases are funded and you have to think about what fully funded is when the original budget was \$1.1 million. She said the project has grown exponentially and has gone from a portion of the old Library to its own facility with many more amenities than what was envisioned in 2008. Councilmember Petrone said the \$7.6 million currently budgeted for the Senior Center is not enough to accomplish what seniors envision and the \$1.1 million from 2008 would help. Ms. Walker said the Attorney General has already stated the \$1.1 million cannot be spent on a Senior Center at any other location so that is off the table for a Senior Center. She said the question before the court right now is whether or not the City can use that money for the Municipal Complex renovations, and if the answer is no the \$1.1 million cannot be spent at all.

Councilmember Petrone asked why scoreboards are not included in the Reaves Park improvements and Mr. Foster said scoreboards were proposed to be include as sponsored items. Councilmember Petrone said she does not feel comfortable relying on money that is not in hand and would rather include costs for scoreboards. She would also like to include funding for new bleachers because there does not seem to be enough bleachers for each field and Mr. Foster said there are enough bleachers to accommodate fans for each field, but Staff can revisit that. Councilmember Petrone said sod and irrigation is itemized which seems to be costly and asked if Staff investigated using turf and Mr. Foster said yes, and it was determined to be very expensive with a five-year life span. He said the Ad-Hoc Group reviewed sod versus turf and recommended sod and irrigation over turf.

Item 2, continued:

Councilmember Petrone said she wants the propositions to pass, but feels the City is rushing this through and believes it will not pass in a June election. She has too many questions regarding the Senior Center, Indoor Aquatic and Multi-Sport Facility, etc. She said some of the items such as the EOC and Transit and Fire Maintenance Facility are necessities, but she has concerns about the Municipal Complex renovations especially since citizens may feel they have already voted on that in 2008. She said the City needs to calculate the full impact of the \$11.2 million including the new proposal and be transparent to the public that the 2008 Bond money will be used for the project.

Councilmember Hall said at this time, the location of the Senior Center is Reaves Park, but that could change to NRH Porter Campus. She said the Senior Center Ad-Hoc Group recently voted to move the Senior Center from Reaves Park to NRH Porter Campus, but that is not what the City is operating under going forward. Ms. Walker said that is correct, but discussion with the NRH is taking place at Council's request and that is what Staff is going to try to deliver on. Councilmember Hall said before moving forward on a vote, she would like certainty on the location for the Senior Center because NRH is the sixth location that has been offered to the senior community since 2008. She said if the Senior Center is constructed in Reaves Park, the \$4,848,000 will cover the complete build-out of the structure that does not require land acquisition. She asked if acquisition costs at NRH Porter Campus are covered and Mr. Pyle said the City owns 11.2 acres at Porter Campus so land acquisition would not be needed. Ms. Walker said ideally, the City would be selling its land to NRH and in return would get the land needed for the Senior Center free of charge. She said what is more likely to happen is that NRH does not purchase all 11.2 acres, but purchases a portion and swaps land with the City so either way she does not believe there will be additional land acquisition costs. Councilmember Hall asked when there will be certainty about the NRH Porter Campus land acquisition and Ms. Walker said the purchase and sale agreement draft is ready for review by NRH.

Councilmember Scanlon said he likes the idea of obtaining funding for a homeless shelter, but is concerned about asking for money for something that has not been properly vetted. Mr. Pyle said a lot of information is being developed through Continuum of Care efforts, point and time survey, facility location, etc., and Staff should have substantially more information in August. Councilmember Scanlon said the proposition should not be on the ballot without more specific details.

Mayor Clark said she has already asked Staff to move the election to August because the City does not know what things will look like in June, but she wanted Council to have the opportunity to share their thoughts and concerns. She said these needs are not going away and Council has taken swift action on stopping the spread of the corona virus so Council can work on other issues and continue to be a responsible City and plan for the future.

Councilmember Holman said given the nature of some of the projects, Council might want to consider splitting the propositions and vote on Municipal projects in June and NF projects in August. Councilmembers Bierman and Wilson said they would consider splitting the propositions.

Item 2, continued:

Items submitted for the record

1. Draft Ordinance
2. PowerPoint presentation entitled, "Continued Discussion NF Projects and Other Municipal Facilities," dated March 10, 2020

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Item 3, being:

ADJOURNMENT

The meeting was adjourned at 7:50 p.m.

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ATTEST:

City Clerk

Mayor