

CITY COUNCIL PUBLIC MEETING MINUTES

January 6, 2014

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a public meeting at 6:00 p.m. in the Municipal Building Council Chambers on the 6th day of January, 2014, 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 Castleberry, Griffith, Heiple, Holman, Kovach, Williams, Mayor Rosenthal

ABSENT: Councilmembers Jungman and Miller

Item 1, being:

PRESENTATION AND DISCUSSION REGARDING RENEWAL OF THE PUBLIC SAFETY SALES TAX TO BE SUBMITTED FOR VOTER APPROVAL.

Welcome

Mayor Rosenthal welcomed everyone to the public meeting regarding the proposed renewal of the Public Safety Sales Tax (PSST). She said tonight's public meeting is a very important step in the PSST renewal process and the goal is to gain public input on the various PSST proposals. Mayor Rosenthal felt the PSST has been a resounding success, not only from her perspective, but also from the members of the Citizens Public Safety Oversight Committee (PSOC) who have diligently monitored the implementation of the PSST as well as making certain the City met the promises originally made in 2008. She said the time has come to renew this commitment as was promised throughout both the early deliberations and crafting the PSST as well as throughout Council deliberations. She said many times Council said PSST would be brought back to the citizens as early as possible because we owe it not only to the PSST employees but also to the community.

Mayor Rosenthal felt it was the citizen's job to judge the success of the current PSST, assess the proposals and initiatives for a future PSST, and hold Council accountable regarding the deliberating process for a future/new PSST including promises going forward. She said after tonight's presentation, individuals will have the opportunity to ask questions and/or make comments, and there will be many more opportunities for additional public comment and input throughout this process, as the ordinance is considered, reviewed, and put before the voters.

History of the PSST

Mr. Steve Lewis, City Manager, said Council is considering the potential of a PSST election on April 1, 2014, for voters to consider adding a ten-year temporary renewal period for a ½ percent tax rate, which includes retaining the current 71 PSST employees hired through 2015. He said the May 2008, ballot limited the expenditure of funds to predominately public safety items, provided for a citizen oversight committee, and set out a detailed annual staffing plan. He said the proposed PSST renewal will include the addition of a School Resource Officer (SRO) program with Norman Public Schools (NPS); four (4) communication officers (dispatchers); two (2) mechanics to service emergency vehicles; and funding for critical public safety capital needs.

Mr. Lewis highlighted the history and background of the PSST stating it was a ½ percent tax for public safety beginning October 2008, through September 2015, (PSST I). He said the PSST I funded the following:

- Two (2) new fire stations to serve areas that previously fell outside Insurance Service Organization (ISO) and National Fire Prevention Association (NFPA) coverage areas of existing stations, thus improving response times;

- Thirty (30) additional firefighters assigned in the two (2) new fire station locations; each operating with five (5) personnel assigned to respond to citizens 24 hours a day, seven (7) days a week;
- Fire Station No. 8 in northwest Norman was positioned to satisfy the coverage needs of the many residential additions and the public assembly/commercial development including schools and churches in the area;
- Fire Station No. 9 in east Norman enhances the City's response in the rural portion of east Norman and provides fire and first responder coverage to the rapidly-developing residential sector in this area and absorbs parts of the response district of the City's two (2) most active fire stations, thus alleviating pressure on these stations and providing more consistent response time in Norman's core area; and
- The sales tax added 41 police officers over the seven (7) year period dedicated to implementing a philosophy of Community Oriented Policing (COP) program in Norman. This has improved officer's response times to calls from citizens and has provided more time for officers to spend in neighborhoods addressing problems.

Mr. Lewis said a frequent question that generally came up during the 2008 PSST election and continues to be asked going forward is how will the PSST funds be monitored to show accountability and transparency to/for the community. He said the PSST ordinance specifically identified new facilities and additional personnel, including a dedicated staffing plan that specifically laid out how many officers and/or firefighters would be hired and in what year, to be the first use of the sales tax. Mr. Lewis said the PSST ordinance further identified that other uses of the sales tax can only be considered after meeting the specifics of the plan. He said a Citizens Oversight Committee was appointed to monitor the PSST plan as well as the expenditures from the sales tax and issue an annual report to the community. The Citizens Oversight Committee for PSST is made up of nine (9) persons, each Ward is represented, and meets on a monthly basis with the Fire and Police Chiefs as well as other City Staff to look at the progress the City is making in terms of the commitments that were made to the citizens in 2008. Mr. Lewis said the Citizens Oversight Committee also makes an annual report to Council and the public and over the years the following statements have been mentioned in each:

- The City has been responsive to the Committee's information requests and guidance;
- The City's expenditures have been made in accordance with the ordinance establishing the parameters of such expenditures; and
- The City continues to progress with the successful implementation of Community Oriented Policing (COP).

Mr. Lewis said a temporary seven (7) year tax was initially selected for PSST I because a temporary tax would afford the citizens the opportunity to express their opinion at the ballot box regarding the effectiveness of this approach to funding public safety; the PSST ordinance allowed for consideration by voters in year six, prior to the expiration of the tax; and the tax rate could be re-adjusted at that time to better reflect sales tax trends, and to reflect the completion of the one-time expenditures for the fire stations and apparatus.

PSST I also included additional public safety one-time capital expenses, e.g., fire apparatus additions and replacements; Smalley Army Armory Center renovation into Investigations Facility; Computer-Aided Dispatch, Records Management, and Mobile Data Systems Conversion; and Police In-Car Video Systems.

Proposed PSST Renewal

Mr. Anthony Francisco, Finance Director, said due to the notice dates and requirements the City of Norman must provide to the Cleveland County Election Board, an April 1, 2014, election date requires the first reading of the proposed PSST Renewal (PSST II) ordinance to be heard on January 14, 2014. He pointed out under state law, the City of Norman can impose a use tax that would accompany the sales tax and the difference of the two, and in general, a use tax is a sales tax on items that are purchased outside of the City of Norman for use within the City of Norman. For example, if an item is bought out of a catalog or on-line and the item is used in Norman, a use tax is applied to that purchase.

Mr. Francisco highlighted the proposal for PSST Renewal (PSST II) as follows:

- ½ percent, dedicated sales/use tax, generating an estimated \$11 million in Year 1 and \$16 million in Year 10 – a gradual increase each year;
- 10-Year temporary tax period;
- Effective October 1, 2015, through September 30, 2025;
- Retain 71 police and fire personnel added during PSST I;
- Retain Rainy Day Fund at targeted level – a one-time contribution on a pro-rata basis of the public safety's portion of the budget to bring it to its targeted level and this contribution would continue to keep the Rainy Day Fund at its target as the expenditures of the General Fund grow;
- Addition of 13 police officers and the creation of School Resource Officer (SRO) Program with Norman Public Schools (NPS); NPS would fund, in partnership with the City of Norman, the SRO Program; the City estimates the cost-sharing at 50/50 split; however, the cost sharing would be determined during final negotiations;
- Addition of four (4) communication officers (dispatchers) because of increased work load on the dispatch function;
- Addition of two (2) mechanics to service emergency vehicles due to the addition of approximately 50 new public safety vehicles; and
- Addition of Critical Public Safety Capital needs.

Proposed School Resource Officer (SRO) Program

Mr. Francisco said the SRO Program would be implemented to improve school safety and act as a liaison between the school community (teachers, students, & administrators) and the police department. He re-stated cost-sharing and other factors would be finalized between the City and NPS. The program would be phased-in over a two-year period; half of the officers would be assigned to the program during the first year and the rest of the officers would be assigned during the second year. One supervisor (police lieutenant) would manage the program; two officers would be assigned at each of the high schools, Norman High and Norman North; one officer would be assigned at Dimensions Academy (alternative school); one officer would be assigned at each of the four middle schools; and three officers would be assigned and rotate between the 15 elementary schools.

Mr. Keith Humphrey, Police Chief, said he wanted to emphasize that the SRO Program has been an on-going dialog between the City and the school district and the main focus is how to continue to ensure that safety is improved in every school campus as well as the community. He said it is a joint effort and felt the SRO Program is a way to ensure safety within the schools. Chief Humphrey said the police department, acting as a liaison, has the responsibility to ensure there is a continued, on-going dialogue regarding public safety issues. He said an officer would be assigned to a particular school full-time and their responsibilities would include responding to public safety issues at the school, as well as be a resource that would continue educating the students with a number of COP programs which are currently implemented within the schools, i.e., Teaching Education and Mentoring Program, My Life - My Body Program, etc. He felt the SRO Program would strengthen the relationship between the students, the police department, the school, and the community.

Chief Humphrey said he wanted to echo what Mr. Francisco stated regarding the SRO Program being a two-year implementation plan; six officers and one supervisor would be hired the first year and the remaining six officers the second year. He said it is understood that 13 officers cannot immediately be placed within the school system and the needs of the school must be evaluated. Chief Humphrey felt that everyone agrees that the SRO Program can make a difference in the NPS system and he believes it is the best way to bridge the gap between the children, school system, police department, and the community. Chief Humphrey said it is important for children not to be afraid of the police department and to understand why the police officers are assigned to their school; that the officers are there to ensure their safety and are not there just to "give them a hard time." Chief Humphrey felt the SRO Program could be a very good recruiting tool for the police department in that it will help police bond with children, help police earn the respect of the children, and help children/kids understand what is expected of them as they become an adult.

Chief Humphrey said other cities and schools have implemented similar SRO programs and Staff has researched their models/programs; however, he wants to emphasize that the proposed SRO Program accommodates the needs of NPS, the City of Norman, and the Norman Police Department and is strictly for Norman.

Prioritized Capital Needs Identified

Mr. Francisco said the revenue projections are such that the City knows that a ½ percent sales tax did and will more than pay for 71 public safety personnel that were hired as part of PSST I; therefore, going forward the assumption will be the same for the proposed 2015 PSST II and the next 10 years. He said public input and Council have made it clear that the additional funds should only be applicable for public safety purposes. Mr. Francisco said the Citizens Oversight Committee for PSST and Council has had on-going discussions regarding critical public safety capital needs to include:

- Priority 1: Replace City Radio Communications System : \$15,000,000
 - The City Radio Communications System is not only for the police and fire departments, but for all the City departments, as well as outside partner agencies that utilize Norman's dispatch function, such as Norman Regional Hospital. The radio system is rapidly becoming obsolete and must be replaced under Federal Communications Commission (FCC) guidelines by the year 2018.
- Priority 2: Emergency Operations/Dispatch Center (EOC): \$6,500,000
 - The EOC will house not only Dispatch but also the EOC that operates whenever jurisdictional needs are combined under emergency operations.
- Priority 3: Replace Fire Apparatus: \$6,800,000
 - Five fire engines, one ladder truck, and replacement of auxiliary apparatus to include a rescue truck and command vehicles.
- Priority 4: Relocate Fire Station No. 5: \$3,500,000
 - Currently, Fire Station No. 5 is located at the extreme eastern boundary of Norman and could serve a larger population if it were relocated to a more central location.

Mr. Francisco said the total estimated costs for the prioritized capital needs are approximately \$31.8 million and using the carry-over PSST I Fund Balance (\$4,729,617) and the proposed PSST II collections (January 2016 – June 2016: \$5,067,418) may be a possible source of revenue for the one-time capital needs. He said Council has directed that efforts be made to locate the proposed EOC/Dispatch Facility and other public safety facilities on property that is already owned by the City, in order to reduce future costs. Mr. Francisco said Staff will employ alternative capital financing methods, e.g., lease/purchase arrangements, pay-as-you-go financing, certificates of participation, revenue bonds, etc., to finance as many of these capital needs as can feasibly be done within available revenues during the PSST II period.

Mr. James Fullingim, Fire Chief, said historically in Norman the fire engines have been used for 20 to 25 years and the life expectancy for the fire apparatus is generally 10 to 15 years. He said at year 12, most of the fire apparatus begins to fail, becomes in-efficient, and unreliable. Chief Fullingim said the PSST II accelerates the pace at which the fire apparatus is replaced; therefore, avoiding the breakdowns and long-term out of service situations. He said to do so would be an improvement to the public safety system.

Chief Fullingim said Fire Station No. 5 is currently located one mile west of Norman's eastern city limit border and the City of Norman currently has a mutual aid agreement with the Little Axe Volunteer Fire Department on the eastern border; therefore, there is fire protection throughout the City. He said moving Fire Station No. 5 to a more central location will better serve Norman citizens as well as the entire community. Currently property located at 132nd Avenue S.E. and Highway 9 is a possible relocation site for Fire Station No. 5. Chief Fullingim said the current Fire Station No. 5 has been in existence since late 1970 and was originally part of the Little Axe Community Center, but since has tripled its original size thus expanding into the Community Center.

Chief Fullingim said he has been asked how the EOC can work with the Dispatch Center stating he felt it is more efficient to keep both operations, all the equipment, and Staff, etc., in the same harden facility in case of a natural disaster and makes more sense to consolidate the two.

Chief Humphrey said he wanted to clarify that the City Radio Communications System is a critical part of emergency services and is how police, firemen, and animal welfare staff receive information from dispatchers regarding where and what the emergency is so that they can provide public safety services. He said it is also very critical during a major incident that the radio system will allow communication with other communities; for example, he said communication efforts were very limited during the May 19, 2013, tornado that struck east Norman and then again the next day when the May 20, 2013, tornado struck Moore. Chief Humphrey said there are very limited resources and/or companies that provide the type(s) of emergency radio equipment and technology and Staff has researched other benchmark cities regarding the communication systems they utilize as well as the cost(s) for their communication systems. He said the current radio system will be obsolete in the year 2018; therefore, no replacement or repair parts will be available and it will not be possible to enhance the current system. Chief Humphrey felt the installation of a new city radio communications system is a top priority and should be done as soon as possible in order to make certain the City has an effective and efficient radio communication system to serve the citizens.

Items submitted for the record

1. E-mail dated January 3, 2014, from Steve Lewis, City Manager, to Mayor and Councilmembers, Anthony Francisco, Jeff Bryant, James Fullingim, Keith Humphrey, Brenda Hall, and Leah Messner, regarding the PSST Ordinance – Revision Relative to Animal Shelter
2. Memorandum dated December 19, 2013, from Anthony Francisco, Finance Director, to Honorable Mayor and City Councilmembers
3. Draft Ordinance Authorizing the Calling and Holding of a Special Election on April 1, 2014, Submitting to the Registered Voters the Question of Approving or Rejecting Public Safety Sales Tax (PSST)
4. Draft Ordinance Authorizing a Special Election Proclamation and Notice of Election Calling and Holding of a Special Election on April 1, 2014, Submitting to the Registered Voters the Question of Approving or Rejecting Public Safety Sales Tax (PSST)
5. PSST Draft Ordinance Revised Version (Animal Welfare) dated January 3, 2014, Submitting to the Registered Voters the Question of Approving or Rejecting Public Safety Sales Tax (PSST)
6. PSST Draft Ordinance Revised Version (Animal Welfare) dated January 3, 2014, Special Election, Proclamation and Notice of Election, Submitting to the Registered Voters the Question of Approving or Rejecting Public Safety Sales Tax (PSST)
7. Table: Financial Projections – Provisional PSST Renewal dated December 20, 2013
8. Charter Review Commission Public Hearing minutes dated January 8, 2014
9. PowerPoint presentation entitled, “Proposed Public Safety Sales Tax Renewal Public,” dated January 6, 2014

Participants in discussion

1. Mr. Steve Lewis, City Manager
2. Mr. Anthony Francisco, Finance Director
3. Mr. Keith Humphrey, Police Chief
4. Mr. James Fullingim, Fire Chief
5. Jeff Bloomgarden, Friends of the Animals of Norman, Volunteer at Norman Animal Welfare, supports utilizing excess funds in PSST I and PSST II for Animal Welfare purposes and felt additional Animal Welfare staff are needed to work with the animal welfare aspect as opposed to enforcement procedures – 2 full-time kennel attendants. He felt on-site veterinary care is needed so animals can receive medical attention when needed.

6. Cheryl Blake – East Norman resident, said she is opposed to School Resource Officer (SRO) Program, but stated if the program was implemented, Little Axe School should be included; felt SRO officers would be acting in the capacity of security guards therefore, CLEET certified officers are not needed. She said a SRO Program is not a City of Norman issue and should be funded through Norman Public Schools (NPS). Ms. Blake asked where East Norman has benefited from the 41 officers added under PSST I and where are the 41 officers working/what are they doing? She felt the cost of land (\$150,000) estimated for the relocation of Fire Station No. 5 is too high and stating the cost per acre for vacant land in East Norman is not that high. Ms. Blake said she is curious about radio needs and the functionality of replacement system and asked whether the CON will have capability of communicating with other entities, e.g., county, state, tribal, other cities? She asked what funding source will be used for public safety capital needs if PSST is not renewed?
7. Ted Metscher – East Norman resident – retired school teacher felt a SRO program will not enhance safety at the schools and opposes utilizing a temporary sales tax to pay employee salaries – should be a general sales tax. He felt segregating portions of sales tax for public safety positions gives those employees an unfair advantage at the bargaining table stating those positions are not subject to RIF (reduction in force) situations. Mr. Metscher said dedicated tax limits the City's flexibility for planning in uncertain times.
8. John Woods – Norman Chamber of Commerce, thanked Council for work on PSST I – felt it was a success. He is concerned about the timing of the election – 18 months prior to expiration is too early - more time is needed to vet questions/issues and supports a fall election. Mr. Woods said the City needs to address how the tax can be made permanent and the functions be absorbed into the General Fund. He asked whether the City should sign a Memorandum of Understanding (MOU) with NPS on cost sharing for SRO Program prior to election. Mr. Woods felt there should be a true analysis of radio system needs to get a better cost estimate prior to scheduling an election.
9. Mary Francis – Ward 7, asked what the target level is for the Rainy Day Fund - does it increase annually? What is the current use tax rate - is it dedicated for specific purposes? Curious about the radio system project and what is included – has a consultant been selected? She felt a temporary sales tax is the worst way to generate funds.
10. Kevin Minor – East Norman resident, said the City is not spending money wisely and wants to see more matrixes of how the money is spent – more data on City budget and expenditures. He asked what the computers inside the police cars are used for and how the data is utilized.
11. Matt Hart – IAFF President, asked why 10 years versus seven? What promoted the additional three years? He asked if Council will be able to revisit needs within the 10 year period if warranted and is concerned about using a temporary tax to fund personnel. Mr. Hart stated even with the additional 30 firefighters added under PSST I, the City is still 20+ firefighters behind what was needed and he is concerned that current proposal for PSST II does not include funds for growth in personnel.
12. Roger Gallagher – suggested the concept of utilizing non-violent offenders at the Animal Welfare Center be revisited and questioned the 5% annual increase for personnel related costs included in the current proposal – higher than it needs to be since employees do not receive 5% increases each year. He questioned 10 year temporary tax; felt a ¼% permanent tax would suffice to pay police and fire salaries and possibly a ¼% temporary tax to address capital needs. Mr. Gallagher said a radio system replacement estimated at \$12 million could actually be closer to \$15 million and felt the City needed to have better cost estimates. He said the PSST should not bear the burden of the entire system because other departments utilizing the system should pay pro-rata share. Stated that City of Norman officers should be working in NPS and NPS should pay their share. Questioned whether PSST was reimbursed from the General Fund for salaries of existing employees promoted into PSST positions. Regarding 911 services – explore the possibility of adding an additional charge to phone bills

to pay for the services. Can funds freed up in Capital Fund with the passage of the latest GO Bond transportation election be used for pay for radio system replacement? Supports permanent tax with more public meetings – citizens need access to the ballot language and be provided an opportunity for input prior to voting.

13. Ann Gallagher – need more time to get specifics worked out and stated in regards to the SRO Program – need positive role models in schools.
14. Stephen Lucas – supports PSST renewal but more time is needed to answer questions before election is scheduled. Concerned about possible failure if the City moves too quickly. Does not object to police officers in the schools but once the program is started, there is no turning back.
15. Emily Nichols – more support is needed at Animal Welfare-improvements are underway but more Staff support is needed, stating more animal welfare staff is needed-not animal control officers. She supported use of non-violent offender program at Animal Welfare Center.

The meeting adjourned at 8:53 p.m.

ATTEST:

City Clerk

Mayor