

CITY COUNCIL SPECIAL SESSION MINUTES

November 5, 2019

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Special Session in the Council Chambers of the Norman Municipal Building at 5:30 p.m. on the 5th day of November, 2019, 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 Hall, Holman, Petrone, Scanlon, Scott, Wilson, Mayor Clark
ABSENT:	None
TARDY:	Councilmembers Bierman*and Carter*

The Pledge of Allegiance was led by Mayor Clark.

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* Councilmember Bierman arrived at 5:37 p.m. and Councilmember Carter arrived at 5:41 p.m.

Item 3, being:

UPDATE AND DISCUSSION RELATED TO REAPPORTIONMENT OF UNIVERSITY NORTH PARK SALES TAX OPTIONS.

Participants in discussion

1. Mr. Anthony Francisco, Finance Director
2. Ms. Kathryn Walker, City Attorney

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Item 4, being:

THE SECOND PUBLIC HEARING (OF TWO PUBLIC HEARINGS) REGARDING THE PROPOSED AMENDMENTS TO THE NORMAN UNIVERSITY NORTH PARK PROJECT AND PROJECT PLAN AS MORE PARTICULARLY DESCRIBED IN ORDINANCE O-1920-24, SAID PUBLIC HEARING TO BE HELD ON NOVEMBER 5, 2019, AT 5:30 P.M. FOR THE PURPOSE OF PROVIDING INFORMATION AND ANSWERING QUESTIONS AND GIVING MEMBERS OF THE PUBLIC AN OPPORTUNITY TO BE HEARD PRIOR TO ANY VOTE ON THE PROPOSED AMENDED AND RESTATED NORMAN UNIVERSITY NORTH PARK PROJECT AND PROJECT PLAN.

Councilmember Scott moved that a public hearing be conducted, which motion was duly seconded by Councilmember Holman;

Items submitted for the record

1. City Council Staff Report GID-1920-49 dated October 4, 2019, by Kathryn Walker, Interim City Attorney
2. Ordinance O-1920-24
3. University North Park Tax Increment Finance District Project, Statutory Review Committee minutes of August 27, 2019
4. University North Park Tax Increment Finance District Project, Statutory Review Committee minutes of August 28, 2019

Item 4, continued:

Items submitted for the record, continued

5. Norman University North Park Amended and Restated Project Plan dated September 17, 2019 with Exhibit A, University North Park Project Area Boundary Map; Exhibit B, University North Park Project Area Legal Description; Exhibit C, University North Park Tax Increment Financing District Boundary Map; Exhibit D, University North Park Increment District Legal Description; Exhibit F, Norman 2025 Land Use Plan, University North Park Project Area; and Exhibit G, University North Park "Town Center" Area
6. Norman Transcript Legal Publication/Billing Information showing Publication on September 24, 2019, of Notice of Public Hearings Regarding the Adoption of Proposed Amendments to the Project Plan for Tax Increment Finance District No. 2, University Norman Park in Norman, Oklahoma, October 8, 2019, and October 22, 2019 with attached location map

and the question being upon conducting a public hearing, a vote was taken with the following result:

YEAS:	Councilmembers Bierman, Carter, Hall, Holman, Petrone, Scanlon, Scott, Wilson, Mayor Clark
NAYES:	None

The Mayor declared the motion carried and a public hearing was conducted.

Thereupon, the following persons addressed City Council:

Participants in discussion

1. Ms. Kathryn Walker, City Attorney
2. Mr. Shawn O'Leary, Director of Public Works
3. Mr. Harold Heiple, 2200 Morgan Drive, made comments
4. Ms. Becky Feldman-Standridge, 2704 Mayfair Drive, made comments
5. Ms. Nancy Yoch, 617 Okmulgee Street, proponent
6. Ms. Alva Brockus, 1228 Leslie Lane, proponent
7. Mr. Quinn Bonang, Sooner Swim Club, proponent
8. Mr. Rob Norman, 4604 Greystone Court, proponent
9. Dr. Alexander Holmes, Regents Professor, University of Oklahoma, made comments
10. Mr. Trent Brown, VisitNorman, proponent
11. Mr. Evan Dunn, 1400 Garfield Avenue, made comments
12. Ms. Marcie King, 612 Tricia Lane, protestant
13. Mr. Mark Campbell made comments
14. Mr. Bob Vandewater, 1214 Magnolia Lane, proponent
15. Mr. Greg Burge, 3805 South Annalane Drive, protestant
16. Mr. Hank Ryan, 823 South Flood Avenue, made comments
17. Ms. Cindy Rogers, 633 Reed Avenue, protestant
18. Ms. Mary Francis, 850C Cardinal Creek Condos, made comments
19. Mr. Steve Ellis, 633 Reed Avenue, protestant
20. Ms. Rebecca Bean, 1116 Caddell Lane, made comments
21. Mr. Paul Arcaroli, 405 Garland Court, made comments
22. Mr. Kevin Moore, 13706 Timber Valley Road, made comments
23. Mr. Cory Abernathy, 1316 Skylar Way, made comments
24. Mr. Derek Houston, 3113 Queenston Avenue, made comments

Item 4, continued:

Thereupon, Councilmember Scott moved that the public hearing be closed, which motion was duly seconded by Councilmember Wilson, and the question being upon closing the public hearing, a vote was taken with the following result:

YEAS:	Councilmembers Bierman, Carter, Hall, Holman, Petrone, Scanlon, Scott, Wilson, Mayor Clark
NAYES:	None

The Mayor declared the motion carried and the public hearing was closed.

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Item 5, being:

CONSIDERATION OF ORDINANCE O-1920-24 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING AND REPLACING ORDINANCE O-0506-66, AS AMENDED BY ORDINANCE O-0809-8, THAT APPROVED AND ADOPTED THE UNIVERSITY NORTH PARK PROJECT PLAN, TO INCLUDE AN ADDITION TO THE AMOUNT OF AUTHORIZED TRAFFIC AND ROADWAY COSTS, A REDUCTION IN THE AMOUNT OF AUTHORIZED LEGACY PARK COSTS, A REDUCTION IN FUNDING FOR RECREATION FACILITIES COSTS (PREVIOUSLY CALLED CULTURAL FACILITY COSTS), A REDUCTION IN FUNDING AUTHORIZATION TO TOWN CENTER COSTS (PREVIOUSLY CALLED LIFESTYLE CENTER COSTS), A REDUCTION IN ECONOMIC DEVELOPMENT COSTS, AND ADDING A CATEGORY FOR MISCELLANEOUS COSTS, ALTOGETHER REDUCING THE TOTAL PROJECT COSTS AUTHORIZATION BY \$7.8 MILLION AND PROVIDING FOR THE END OF THE SALES TAX INCREMENT COLLECTION AS OF JUNE 30, 2019 AND THE AD VALOREM TAX INCREMENT COLLECTION AS OF APRIL 30, 2020; RATIFYING AND CONFIRMING THE ACTIONS, RECOMMENDATIONS AND FINDINGS OF THE REVIEW COMMITTEE REGARDING SAID AMENDMENT; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Scott moved that Ordinance O-1920-24 be adopted upon Second Reading section by section; which motion having being duly seconded by Councilmember Scanlon;

Items submitted for the record

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5. Norman University North Park Amended and Restated Project Plan dated September 17, 2019 with Exhibit A, University North Park Project Area Boundary Map; Exhibit B, University North Park Project Area Legal Description; Exhibit C, University North Park Tax Increment Financing District Boundary Map; Exhibit D, University North Park Increment District Legal Description; Exhibit F, Norman 2025 Land Use Plan, University North Park Project Area; and Exhibit G, University North Park "Town Center" Area
6. Norman Transcript Legal Publication/Billing Information showing Publication on September 24, 2019, of Notice of Public Hearings Regarding the Adoption of Proposed Amendments to the Project Plan for Tax Increment Finance District No. 2, University Norman Park in Norman, Oklahoma, October 8, 2019, and October 22, 2019 with attached location map

Item 5, continued:

Thereupon Councilmember Bierman moved that Ordinance O-1920-24 be amended as follows:

1. The Norman University North Park Amended and Restated Project Plan, attached to Ordinance O-1920-24 be amended to remove the Recreation Facility category more specifically as follows:

- Delete Section IV(B) containing objectives related to the recreation facilities and renumber the remainder of the Section accordingly.

~~IV (B) To construct recreation facilities including an indoor competitive pool and multi sports (“Recreation Facilities”) that will be available for use by local residents and sports or organizations and also serve as a regional attraction for tournaments, competitions, and other events.~~

- Delete Section V(B) containing statement of principal actions related to recreation facilities and renumber the remainder of the Section accordingly.

~~V (B) Construction of Recreation Facilities that will serve as a regional draw for sport related activities.~~

- Delete Section IX(A)(3) setting forth the Recreation Facilities Costs project category and renumber the remainder of the Section accordingly.

~~IX(A)(3) Recreation Facilities Costs~~

~~————Recreation Facilities Costs include funds for Recreation Facilities designed to accommodate regional sporting events. The Original Project Plan envisioned that funds for Cultural Facility Costs would be used for “museums and/or similar cultural facilities.” The Recreation Facilities are intended to accomplish a similar purpose by creating a regional attraction to encourage a regional draw of customers and hotel patrons from outside of Norman. The Recreation Facilities will be located on a +/- 12-acre site south of Rock Creek Road and bordering the Max Westheimer airport. Funds for Recreation Facilities Costs may be used to acquire the site, to supplement the anticipated annual contributions by Norman Public Schools to the operation of the indoor aquatic facility, and for construction and equipping of the Recreation Facilities.~~

- Delete Section IX(B)(3) setting forth the allocation of project costs to the Recreation Facilities category and renumbering the remainder of the section accordingly, and amending the Total Remaining Authorized Project Costs to \$11,824,394.

2. The Norman University North Park Amended and Restated Project Plan, attached to Ordinance O-1920-24, be amended as follows:

- Replace the language in Section IX(4) to read as follows:

~~Town Center Costs (described as “Lifestyle Center Costs” in the Original Project Plan~~ are costs of infrastructure and other improvements designed to foster the quality of development at University North Park. Such improvements are necessary to facilitate the creation of a retail and entertainment environment that will be a regional draw of retail customers to Norman. The retail and entertainment environment envisioned is one that will draw retail shoppers not currently shopping in the City and will complement retail stores and entertainment opportunities existing outside the Project Area. Accordingly, to qualify for Town Center Costs to facilitate retail and entertainment development, the costs must be related to retail stores or entertainment venues that purchase property in the Increment District or sign leases for space in the Increment District for a term of not less than three years and that meet the following three criteria:

Item 5, continued:

- ~~a. Costs are needed to support retail or entertainment development in the portion of University North Park identified as “Town Center” on attached Exhibit G; and~~
 - a. The retail store associated with the Lifestyle Center Costs does not currently exist within Norman; and
 - ~~b. Costs are needed to support a retail or entertainment user that is not already located in Norman; and~~
 - b. The retail store shall be able to demonstrate an anticipated minimum sales volume of no less than \$300 per square foot of its retail space (for stores larger than 10,000 square feet) or not less than \$400 per square foot of its retail space (for stores of 10,000 square feet or smaller); and
 - ~~c. If the costs are associated with a retail user, then anticipated retail sales of not less than \$300 per square foot for a store larger than 10,000 square feet or not less than \$400 per square foot for stores of 10,000 square feet or smaller must be demonstrated based on past performance in communities with demographics similar to Norman; and~~
 - ~~d. If the costs are associated with an entertainment user, then no minimum sales per square foot applies; however, the proposed user must present an entertainment option that is not already located in Norman (such as but not limited to a boutique or luxury first run theater); and~~
 - e.c. Parcel development plan for retail store must incorporate urban design elements of walkability and connectivity, as determined by the Architectural Review Board for University North Park.
- Amend Section IX(B) setting forth the allocation of project costs to the Town Center Costs to increase the project costs allocable to the Town Center from \$5,000,000 to \$8,250,000 and amending the Total Remaining Authorized Project Costs to: \$15,074,394.”
3. Eliminate additional funding for traffic and roadway improvements.
 - Amend Section IX(B)(1) setting forth the allocation of project costs to the Traffic and Roadway Improvements Costs to decrease the remaining project costs allocable to traffic and roadway improvements from \$5,024,394 to \$1,954,179 and amending the Total Remaining Authorized Project Costs to \$12,004,179.
 4. Add language that prohibits the use of the 2006 retail sales tax base for any future amendments to the Project Plan.
 - Amend Section XII, Miscellaneous Provision, to add the following language of the Section: “Should future amendments to the Project Plan be proposed, the retail sales tax increment shall be applied to growth in sales tax from the time of the proposed amendment, and not from the 2006 sales tax base.

which motion having been duly seconded by Councilmember Petrone;

Thereupon Councilmember Wilson moved that Ordinance O-1920-24 be postponed until November 26, 2019, which motion was duly seconded by Councilmember Bierman;

Item 5, continued:

Participants in discussion

1. Ms. Kathryn Walker, City Attorney
2. Mr. Jud Foster, Director of Parks and Recreation
3. Mr. Darrel Pyle, City Manager
4. Mr. Shawn O’Leary, Director of Public Works
5. Mr. Steve Ellis, 633 Reed Avenue, made comments
6. Ms. Alva Brockus, 2643 South Pickard Avenue, proponent
7. Mr. Mark Campbell made comments
8. Mr. Rob Norman, 4604 Greystone Drive, protestant
9. Ms. Cindy Rogers, 633 Reed Avenue, made comments
10. Mr. Evan Dunn, 1400 Garfield Lane, made comments
11. Mr. Paul Arcaroli, 405 Garland Court, proponent
12. Ms. Mary Francis, 850C Cardinal Creek Condos, made comments
13. Mr. Ian Moore, 811 Mockingbird Lane, proponent
14. Mr. Kevin Moore, 13706 Timber Valley Road, made comments

and the question being postponing Ordinance O-1920-24 until November 26, 2019, a vote was taken with the following result:

YEAS:	Councilmembers Bierman, Hall, Holman, Petrone, and Wilson
NAYES:	Councilmembers Carter, Scanlon, Scott, Mayor Clark

The Mayor declared the motion carried and Ordinance O-1920-24 was postponed until November 26, 2019.

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Item 6, being:

CONTRACT K-1920-82: AN AMENDED AND RESTATED MASTER OPERATING AND DEVELOPMENT AGREEMENT BY AND AMONG THE CITY OF NORMAN, OKLAHOMA, NORMAN TAX INCREMENT FINANCE AUTHORITY, NORMAN ECONOMIC DEVELOPMENT COALITION, UNIVERSITY TOWN CENTER, LLC AND UNIVERSITY NORTH PARK, LLC.

Because Ordinance O-1920-24 was postponed, Contract K-1920-82 was not considered by City Council.

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Item 7, being:

AMENDMENT NO. ONE TO CONTRACT K-1314-106: THE FIRST AMENDMENT TO UNIVERSITY NORTH PARK TAX INCREMENT FINANCE DISTRICT NO. 2 DEVELOPMENT AGREEMENT NO. 6 BY AND BETWEEN THE NORMAN TAX INCREMENT FINANCE AUTHORITY, NORMAN ECONOMIC DEVELOPMENT COALITION, AND IMMUNO MYCOLOGICS.

Because Ordinance O-1920-24 was postponed, Amendment No. One to Contract K-1314-106 was not considered by City Council.

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Item 8, being:

RESOLUTION R-1920-63: A JOINT RESOLUTION OF THE TRUSTEES OF THE NORMAN TAX INCREMENT FINANCE AUTHORITY AND THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$256,048 FROM GENERAL FUND AND CAPITAL FUND BALANCE TO UNIVERSITY NORTH PARK FUND BALANCE AND \$1,100,569.34 FROM UNIVERSITY NORTH PARK FUND BALANCE TO GENERAL FUND AND CAPITAL FUND BALANCE.

Because Ordinance O-1920-24 was postponed, Resolution R-1920-63 was not considered by City Council

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Item 9, being:

ADJOURNMENT

The meeting was adjourned at 10:15 p.m.

ATTEST:

City Clerk

Mayor