

CITY COUNCIL CONFERENCE MINUTES

August 25, 2020

5:30 p.m.

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a virtual conference at 5:30 p.m. in the Municipal Building Council Chambers on the 25th day of August, 2020, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Bierman, Foreman, Hall, Holman, Peacock, Petrone, Mayor Clark

ABSENT: None

Item 1, being:

DISCUSSION REGARDING THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENT'S REGIONAL TRANSPORTATION IMPROVEMENT PLAN.

Mr. Shawn O'Leary, Director of Public Works, said there are some problems with the 2019 Bond Program as a result of changes at the Association of Central Oklahoma Governments (ACOG) and acquisition of federal funding. He said 16 months ago, the bond election for \$72 million in bonds to be matched with \$67 million in federal funds for a total of \$179 million in the Transportation Bond Program was approved by voters. He said there were 19 proposed projects throughout Norman; however, Staff learned some of the federal funding will not come through and Staff will present a solution for Council's consideration.

Mr. O'Leary said over the last 30 years, ACOG funding has provided for 26 miles of road widening projects; three bridge rehabilitations and eight new bridges; 50 intersection widening and new signalization projects; 17 new traffic signals; 23 traffic signal replacement projects; eight miles of roadway overlay projects; 5,900 lineal feet of new sidewalk projects; safety projects; 60 miles of traffic signal fiber optic communication network; ten miles of continuous roadway lighting projects; and pavement marking projects that include center lines, edge lines, lane lines, crosswalks, stop/yield lines, raised pavement markers, and colorized bicycle lanes.

Over the last 28 years, the City of Norman has been able to secure \$160 million to help fund the construction of more than 140 Transportation Improvement Projects, which is a \$6 million annual average. He said the funding comes from the Highway Bill approved in 1990 and is commonly referred to as FAST (Fixing America's Surface Transportation Act).

Mr. O'Leary highlighted the Regional Transportation Improvement Plan (TIP) that includes \$20 million available per year to the Oklahoma City metropolitan area; 10% set aside for cost overruns; 10% set aside for safety projects; 80% of construction cost funded for other projects; competitive process (individual projects rated and ranked); must be an ACOG member agency within the Encompass 2040 Planning area to be eligible to apply; no single local government can

receive more than 56% of the total funding per year; plan can be amended if funds are available; and until recently, the first year was guaranteed and subsequent years needed to compete again, but beginning this year, the first *two* years will be guaranteed. Mr. O'Leary said this is good news if a City is selected for funding, but if not, the City is locked out and has to wait three years to try to obtain funding. He said Staff does not really care for this change because Norman has been really successful in obtaining funding every year and there is concern about this two-year lock if the City is unable to obtain funding.

The TIP cooperatively developed a four-year program outlining multimodal transportation improvements and services to be implemented within the Oklahoma City Area Regional Transportation Study (OCARTS) area. Federal law requires that all Metropolitan Planning Organizations (MPO) prepare a TIP for their designated region, in cooperation with the State and affected transit operators. The OCARTS Area TIP is prepared annually by ACOG in its role as the MPO for transportation planning within the Central Oklahoma region. This document is prepared under the guidance of the Intermodal Transportation Technical and Policy Committees, and is submitted to the Governor, the Federal Transit Administration (FTA), and the Federal Highway Administration (FHWA) through the Oklahoma Department of Transportation (ODOT).

Mr. O'Leary highlighted the ACOG TIP process timeline and said between June and August, project selection criteria is reviewed and modified (if necessary). In early September, ACOG will call for projects and in late October, local governments must submit project applications to ACOG. In November and December, ACOG Staff reviews applications and develops a ranking list and in mid-January, ACOG releases the list to International Transportation Technical Committee (ITTC) to review project lists and develop recommendations. In late January, ITTC recommendations are included in the Intermodal Transportation Policy Committee (ITPC) agenda for approval. In April, ACOG submits TIP to ODOT for inclusion in the State Transportation Improvement Program (STIP) and in September, the Oklahoma Transportation Commission approves STIP and STIP submits recommendations to the Federal Highway Administration (FHWA). On October 1st, funds become available for project in the first two years of the TIP.

Eligible projects include widening, including Railroad/Highway Grade Separations; new construction; intersection improvements; resurfacing, reconstruction, rehabilitation, restoration; bridges; independent bicycle and pedestrian facilities; transit, park-and-ride, high occupancy vehicle lanes; carpool/vanpool; and safety projects (100% funded).

Mr. O'Leary said significant changes to the project selection criteria were made in FFY 2019 and several cities and counties in the region promulgated an update to the criteria in order to better align the project selection criteria within the regional Multimodal Transportation Plan goals and objectives; integrate transportation system performance management into the project selection process; develop a results and efficiency driven process with a proper prioritization methodology to design to ensure that the region's transportation funding is being used in the most effective way; adjust the scoring between types of projects to better reflect the current needs of the region, while preserving an emphasis on bike/pedestrian, safety, transit, multimodal, connectivity, and walkability improvements; improve the competitiveness of projects that utilize cost-effective congestion mitigation and safety; and simplify the project application process and criteria.

Mr. O’Leary said ACOG hired Olsson and Associates to review the requested changes and guide the process. He said several members of the ITTC served on a steering committee (including himself) which met on numerous occasions to review the ideas and recommendations that were eventually used in the new criteria and process. He said the new criteria was finalized and accepted by both the ITTC and ITPC and was used for the first time in the formulation of the FFY 2020-2023 TIP and all ACOG member entities agreed to play by the new rules. He said recognizing the new criteria was going to greatly enhance the competitiveness of certain project types that already have their own funding source, the committee adopted a 10% cap on the total funds that could be used during any one year for implementation of transit projects and sidewalk/multimodal path stand-alone projects. He said project readiness (shovel ready) is no longer a requirement within the criteria.

In FFY 2021, the City will be locked in for \$4,989,231, which will be used for the purchase of a transit bus, the Robinson Street West Project, pavement markings – Phase 8 (100% safety), and Alameda Street and Summit Lakes Boulevard/Lochwood Drive Traffic Signal (100% safety). In FFY 2022 and 2023, the City ranked for funding, but will have to re-compete next year so those funds are not guaranteed. He said in FFY 2022, the City is anticipated to receive \$6,320,775 to be used for the James Garner Avenue Project from north of Acres Street to Flood Avenue, 36th Avenue N.W. traffic signals and fiber interconnect at Cascade Boulevard and Bart Connor Drive (100% safety), and pavement markings, Phase 7 (100% safety). In FYE 2023, the City is anticipated to receive \$12,663,246 to be used for Tecumseh Road at 24th Avenue N.W. and Flood Avenue, 36th Avenue N.W., Phase 1, Tecumseh Road to Franklin Road, traffic signal video detection upgrades citywide, Phase 3 (100% safety), and traffic signal video detection upgrades, Phase 4 (100% safety).

Mr. O’Leary said Staff is beginning to actively identify and work on applications for 20 projects to be submitted (20 is the maximum number of projects that can be submitted). He said the City is going to really struggle with the 2019 Transportation Bond projects and will not be able to deliver that program without significant funding from other sources, which is not what voters were expecting. He said the City would basically be reshuffling the deck and Staff has selected the top 20 ranked projects for submission. He said Council was adamant about funding five of the 19 bond projects with bond funds only and some of the remaining 14 top ranked projects may not be eligible for federal funding. He asked Council if Staff should consider all of the 2019 Transportation Bond Projects in the ranking process for federal funding or should Staff step away from funding the projects entirely with bond funds and instead apply for federal funding? He said this discussion is important because Council has to approve a programming resolution, which is the first step in making these projects eligible for submittal in the October call for projects. He said the bond funds on that program were \$72 million and federal funds were anticipated to be \$67 million, but it does not look like the City will be able to obtain the \$67 million over the next ten years although that is not a certainty as things can change in the ranking and rating process. He said the Porter Streetscape Project and Jenkins Avenue, Imhoff Road to Lindsey Street, are the top highest ranked projects that Staff believes would be successful in acquiring federal funds.

Mayor Clark said COVID-19 has taught her to be flexible and she appreciates that some projects Council wanted to locally-fund will now get other funding. She said Council needs to be mindful of this going forward with other projects because things keep changing, not just ACOG criteria,

but everything during this pandemic. She appreciates the City trying to be transparent and as definitive as possible so voters have the information when they need to make decisions, but there will be a lot more uncertainties than certainties in the world going forward. She is fine with shuffling the deck.

Councilmember Holman said recognizing hardships experienced on larger projects led Council to want more locally funded control of projects. He is concerned about what federal restrictions would impact the Jenkins Avenue Project because that is an important project while the Porter Avenue Streetscape Project is a simpler project with no street widening so he is not as concerned about federal restrictions. He wants to make sure if federal funding is accepted on these projects, it will not mess up the expectation of the projects. He believes it is wise to apply for federal funding on any project in Norman going forward even if the project does not receive funding and supports Staff's recommendations.

Mr. O'Leary said if Council has any concerns about red tape or conditions placed on a project, the City can always not accept the funding. He said because of the two-year loss, if the City does not get to the table and lock in as many projects as possible, the City will be waiting three years to come back to the table, which he thinks is a bad idea for the City. He said losing out on \$40 million in federal funding would not set a good standard going forward.

Councilmember Holman asked if there is a chance more funding could be acquired for the Porter Streetscape Project than what is programmed in the local Capital Improvement Project Plan and Mr. O'Leary said the Porter Streetscape Project was already financially challenged so federal funding would resolve that problem. He said the Porter Streetscape Project is a \$2.5 million project and the City would receive up to 80% of that through federal funding so any savings could be transferred to another project of Council's choice.

Councilmember Bierman asked what the likelihood is of ACOG guidelines or scoring criteria changing again next year or the year after because she does not want to completely change the City's plans if ACOG changes. Mr. O'Leary said the guidelines had not changed for 20 years until this recent change. He said ACOG wants to be very consistent and predictable each year so he believes there will be no substantive changes for ten or more years. He said many cities and counties like this new process and Norman was negatively impacted because Norman has pretty much "built their machine" around the readiness factor and that has worked out well. When ACOG took that criteria away, it really threw off Norman's process.

Councilmember Bierman said she would like to see Staff's attempt at reconfiguring the 2019 Transportation Bond Project list with Staff's idea of how to move forward if the City had complete control over the projects, how would Staff restructure which projects receive federal funds, and how that would change as projects would happen. She would like to stick to project timelines because constituents complain most about how long it takes for a project to begin. Mr. O'Leary said Council will be seeing that in the next couple of months.

Councilmember Petrone asked if Staff has any news about funding for James Garner Avenue and Mr. O'Leary said it is not a lock, but Staff believes Phase I, which was in NORMAN FORWARD (NF), ranked very well and Staff is encouraged by that. He thinks James Garner Avenue will be

the number one ranked project in FFY 22 and obtaining federal funding would free up some NF funds to be used for other NF projects. Councilmember Petrone said she had no problem allowing Staff to submit projects they felt would best acquire federal funding.

Councilmember Hall said she was concerned about red tape as well, but based on past project success, she feels Staff knows what projects will have the highest chance for funding. She said the Porter Streetscape Project is important to her and if the City can add more amenities due to federal funding then the City should do whatever is necessary.

Items submitted for the record

1. PowerPoint presentation entitled, "ACOG's Regional Transportation Improvement Plan Update," dated August 25, 2020

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The meeting was adjourned at 6:25 p.m.

ATTEST:

City Clerk

Mayor