

## CITY COUNCIL CONFERENCE MINUTES

July 9, 2019

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 9th day of July, 2019, 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 Bierman, Carter, Holman, Petrone, Scanlon, Scott, Wilson, Mayor Clark

**ABSENT:**

Councilmember Hickman

Item 1, being:

### DISCUSSION REGARDING AMENDING THE ACCESSIBLE PARKING FINES TO COMPLY WITH CURRENT STATE LAW.

Ms. Jeanne Snider, Assistant City Attorney, said the City Council Oversight Committee reviewed the proposed amended ordinance regarding accessible parking fines on June 6, 2019, that included increasing the fine from \$100 and \$150 to \$500 if paid after five days. She said a new section was added to address the regulations of parking in accessible parking spaces and not requiring disabled persons to pay meters. She said all language stating "handicapped" is being changed to "accessible." She highlighted the proposed amendments and said the new sections follow Oklahoma Statutes making it unlawful for any person to place or park a motor vehicle in any parking space designated and posted as a reserved area for parking a vehicle or transporting a physically disabled person unless the person has applied for and been issued a detachable placard by the State and it is displayed. It will also be unlawful for any person other than the person issued the placard to knowingly allow another person to use the placard or license plate not issued to them. She said this language will exclude a person transporting a physically disabled person with an authorized placard or plate from the provisions. She said it will be unlawful to make a counterfeit placard or plate as well. She said fines collected will be distributed with 80% to the General Fund (GF) and 20% to the Department of Public Safety (DPS) for the system enforcement of the disability parking provisions.

Mayor Clark said, to clarify, a handicap placard or tag is issued to a specific person and not a vehicle correct and Ms. Snider said that is correct.

Councilmember Wilson asked how enforcement would take place and Ms. Snider said this ordinance will not be strictly enforced unless it is brought to the City's attention or an officer witnesses and questions a person exiting a vehicle parked in an accessible parking space with a placard or plate, but who does not seem to be disabled. She said these situations do not happen often and some people may do this unknowingly or may not know it is a violation to use a placard that is not theirs. Mayor Clark said the City will put out a press release and use other methods of communicating the new law to the public prior to the ordinance going into effect.

Item 1, continued:

Councilmember Petrone said she seems to remember a conversation regarding giving 20% of the City's 80% of collected fees to Progressive Independence (PI) and Ms. Snider said she does not recall this conversation and all of the money collected will go into the GF to be appropriated as directed by Council. Ms. Snider said there have been no changes to this ordinance since 2004, and to her knowledge, none of the Municipal Court fees have been earmarked to a specific agency through an ordinance. Councilmember Petrone said she would be interested into looking at earmarking 20% of the City's 80% to PI to support their efforts in assisting the City with the Americans with Disabilities Act (ADA) improvements.

Councilmember Wilson asked if the City currently provides funding to PI and Ms. Kathryn Walker, Interim City Attorney, said if City funds are used to support an agency, it would be done similarly to what the City does for other social and voluntary services agencies, which is through a contract process reviewed and approved by the Finance Committee. Councilmember Wilson said she would like to know what PI would use the funds for and felt PI should obtain funding through the normal City process rather than through this ordinance.

Councilmember Bierman asked about the process when someone calls in and reports an offense and Major David Teuscher, Police Department, said the call comes into dispatch who sends out a parking officer, if available, or a police officer, if after hours, to check for a violation; however, these calls are based on priority of calls. Councilmember Bierman said because these calls are low priority, it takes a while for officers to respond, which frustrates the person making the complaint who is generally a disabled person needing the parking space. Another frustration is the complainant has photographs of the vehicle illegally parked in the accessible parking space that cannot be used to cite the offender. Major Teuscher said sometimes the driver is not the owner of the vehicle so photographs are problematic in proving who was driving the vehicle at the time of the offense. Councilmember Bierman said she would like to see best practices of other cities on what they do in this situation because if the City cannot respond quickly then the City should have an alternative way of addressing enforcement or response time.

Councilmember Wilson said it would be nice if photographs could be used as evidence for a citation although she understands the procedures for addressing these violations; however, she would like to see the burden placed on the driver who let someone drive their vehicle who then used their placard or plate to park in an accessible parking space.

Councilmember Petrone asked if PI would need to utilize the contract procedure and propose they receive 20% share of these parking fines in exchange for services provided to the community. Ms. Walker said a percentage could be challenging because the dollar amount could not be determined due to the City not knowing how many citations will be issued and paid. She said a specific dollar amount is typically requested by an agency.

Ms. Snider said Sections 20-202, 20-208, 20-803, and 20-813 of the Code of Ordinances will be amended to include pay stations along with parking meters to allow motorists with a disability and displaying a state issued placard or plate to park free of charge in metered parking spaces with applicable time limits.

Item 1, continued:

Ms. Snider said there are approximately 100 plus signs that will need to be changed and adding language to the sign regarding a \$500 fine may be impactful in deterring people from illegally parking in an accessible space.

Mayor Clark said there seems to be support to increase the fine and she would like to work with the Communications Director to educate the community prior to enforcement taking place. She wants the public to understand the City will be taking this law seriously and if someone is in violation they will be fined \$500.

Items submitted for the record

1. Memorandum dated July 9, 2019, by Jeanne Snider, Assistant City Attorney, to City Council Oversight Committee

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Item 2, being:

**DISCUSSION REGARDING THE RENEWAL OF EXISTING SALES TAX CURRENTLY DEDICATED TO CLEVELAND COUNTY.**

Mayor Clark said this is the first time the City has discussed the existing sales tax currently dedicated to Cleveland County (County) for their detention facility and tonight Council will hear a presentation from Bond Counsel regarding how the sales tax is currently being used, when it will expire, and recommendations renewing the sales tax for transportation uses.

Mr. Jeff Raley, Floyd Law Firm, said the original proposition provided for a term and/or indebtedness to be paid over a twenty-year period. He said the County was fortunate to collect enough money to pay off the detention facility in eleven years and the sales tax will terminate in March 2020. He said the proposition did not provide for continuing maintenance and operation of the facility because no one knew at that time what those costs would be; however, the County now has a better idea of what those costs are and has always considered coming back to the public to request a sales tax for the continued maintenance and operations of the facility. The amount voted on was a full one-quarter percent and the County would like to propose a perpetual one-eighth of a percent with a portion going towards maintenance and operations; a portion to be used on the Juvenile Detention Facility, which is in bad need of upgrading; and a portion to fund grants to rural County Fire Departments to help update and upgrade equipment, etc. It is his understanding the County considered the additional one-eighth percent would be requested by the City for municipal purposes to be determined by Council. He said sales tax cannot be started or stopped within the middle of a quarter so the County is looking at a vote in November to make it effective when the original tax terminates. He said there would be no tax increase, just a redirection of the current sales tax revenue and there would be no gap in collection of the sales tax.

Item 2, continued:

Mayor Clark asked why a November election and Mr. Raley said 2020 is an election year that will include a presidential election so the County thought holding an election in November would be the better option.

Councilmember Scott asked if the County generally receives and uses property tax to fund their expenses and Mr. Raley said the County receives ad valorem tax, but most detention facilities are funded through sales tax. He does not know of any detention facility in Oklahoma since 1965 that has not been financed with sales tax and financing, maintenance, and operations have always been done with sales tax. He said most of the customers at the detention facility are not property owners in Cleveland County and the County does not want to place the financial burden for the detention facility on ad valorem property owners. He said everyone that shops in Norman shares the burden of providing for the detention facility.

Mayor Clark said she is excited to have an opportunity to capture one-eighth percent sales tax to be used for public transportation needs. Mr. Anthony Francisco, Director of Finance, said the one-eighth percent sales tax could bring in \$2.4 million per year, which is a conservative estimate.

Mr. Shawn O'Leary, Director of Public Works, said the City of Norman is the grant recipient of Federal Transit Authority (FTA) funding for the public bus system and is in the process of transitioning the system from the University of Oklahoma (OU) Cleveland Area Rapid Transit (CART). He said there is an anticipated cost of \$3.8 million per year for operations, maintenance, fuel, etc. The City is currently negotiating a contract with Embark for the operation of the system that will be on Council's agenda of July 23rd. He said Embark will not provide maintenance services on the vehicles so the City will be maintaining those vehicles. He said Fleet Maintenance is already overwhelmed with maintaining current City vehicles. He said FTA will provide \$2 million per year, the City will contribute \$1.8 million, and the FYE 2020 budget includes \$1,135,000 for transit services leaving a projected deficit of \$664,500 per year. He said the bus system is a very expensive operation that will never make money and the City will need this sales tax to run this system. Mayor Clark said no one on Council expected the bus system to make money, but she hopes everyone realizes the bus system is very important for citizens to get to medical appointments, jobs, shopping, etc. She said this is an excellent opportunity for Council to look at this system as a way to fill in gaps for a future regional transportation system. Councilmember Holman said public transportation is a vital government service and there is no city in the United States makes a profit from their transit system and most cities have to subsidize the transportation services provided.

Councilmember Scott said the State recently created a new department for optimal mobility funded by income tax and wondered if there could be an option for FTA to fund the bus system. Mr. O'Leary said he cannot speak to the funding question; however, that bill was designed to bring all transit systems in Oklahoma together under one umbrella and to obtain more State funding. He said the City certainly wants to be part of that process.

Councilmember Bierman said projected revenue is not included in the costs, but she does not believe it is expected to be zero and Mr. O'Leary said fares and advertising revenues are limited and do not contribute much revenue.

Item 2, continued:

Councilmember Wilson asked if fare prices can be increased and Mr. O'Leary said Embark will be a regional transit provider because they operate in Oklahoma City and will now operate in Norman. He said Embark wants to charge the same fees they charge in Oklahoma City in order to be consistent and a fixed route one-way fare is \$1.75 while CART's current fare is \$.75. He said the paratransit fare in Oklahoma City are twice the cost of Norman's CARTaccess fare. He said Embark recently completed a fare analysis from across the country and Oklahoma City fares are considered the lowest in the Midwest. He said Embark wants the same fare structures and policies throughout their system.

Mr. O'Leary said the bus system includes 27 vehicles, 7 large buses and 18 small buses, with average vehicle mileage of 200,000 miles. He said 22 of the vehicles, including the large buses, have reached the end their useful life and it will cost \$550,000 to replace each bus that has a 12-year life span. He said the City currently has no money budgeted for replacement of these vehicles and a Transit Service Fleet Replacement Program would require \$1 million per year. He said the City will share (rent) a portion of the main bus hub facility with OU, but that is a short-term proposition and eventually the City will need to construct its own bus hub facility. He said the current Fleet Maintenance building will not accommodate the size of the buses.

Mr. O'Leary said, additionally, the Strategic Parking Plan adopted by Council on December 11, 2018, recommends establishing a Parking Authority governance structure and hiring a Parking Manager. The initial Staff cost for a Parking Manager and Administrative Assistant is projected to be \$200,000 per year. He felt the sales tax, if approved, could be administered through the Parking Authority.

Councilmember Scanlon wondered if there is a possibility for some type of sponsorship to mitigate costs of operations similar to what Shawnee does with the local Native American Tribe.

Mr. O'Leary reminded Council about the short-range plan in the Comprehensive Transportation Plan (CTP) recommends construction for missing sidewalks along arterial and collector roadways at a cost of \$1.7 million. The City also has a robust ADA Transition Plan and initial projects are projected to cost \$4.5 million that will include updating three buildings, three parks, 20 signalized intersections, and eight miles of sidewalk. An expanded program for ADA improvements will cost approximately \$3 million per year.

Mayor Clark said she was on the Committee for the Market Street Economic Development Strategic Plan (Market Street) that includes nine strategic initiatives with infrastructure being one of the initiatives and it has been proposed that a percentage (20%) of the one-eighth percent sales tax (if approved) go towards executing this plan, which would be an estimated \$500,000. She said the City of Norman has three seats on the Committee and the Committee would decide which plan initiative is executed at any given time. She sees this as an opportunity to look at the future of Norman in a variety of ways. She highlighted the nine initiatives that includes Link Norman: Business Retention and Expansion; Think Norman: Talent Retention and Expansion; Entrepreneurship and Enterprise Development; Weather and Radar Cluster Consortium; A Culture of Service: Permitting and Development Services; Activity Centers and District Development; Quality of Life Projects; Infrastructure Projects; and Community Inclusion and Engagement.

Item 2, continued:

Councilmember Scott said 20% or \$500,000 seems like a lot of money for this plan especially when the City is already looking at a deficit of \$664,500 for CART as well as regional transportation cost estimates. She said regional transportation has a lot to do with economic development.

Councilmember Bierman said now that this plan has been discussed there will be questions from the public and asked when Council had discussed the full report and Mayor Clark said July 24, 2018. Councilmember Bierman said she would like a more detailed conversation about how that money will be used before Council decides to allocate 20% of the sales tax towards economic development. Mayor Clark agreed and said it is her understanding that when the strategic plan is released it will be fully transparent on how the money will be used. Councilmember Bierman said she would like to see the report before it is fully released in order to gauge her constituents on whether or not the economic development piece should be tied to this sales tax. She supports the sales tax being used for transit, but is not sure about economic development.

Councilmember Scott felt a portion of the sales tax should go towards Stormwater infrastructure improvements.

Mayor Clark said she would like to see a specific percentage of the sales tax go towards the Market Street Plan and the remainder towards public transit, which seems to be the simplest plan that will be easy to explain to the public.

Councilmembers concurred on using the proposed sales tax for public transit, but wanted more information on any other use.

Councilmember Holman said whatever Council decides, it needs to be determined quickly in order to get the proposition on a ballot by November.

Mayor Clark said there is a block of voters that do not care about or use public transit and another block of voters that do not care about job creation or place making because they are just trying to pay their bills. She is ready to believe in the future of Norman and this has a plan in place to make that happen and she personally worked on the plan, but she is fine with negotiating the amount and percentage because this is an opportunity to invest in public transit, invest in job growth, place making, invest in district development, etc., with no increase in sales tax. She said this is an unprecedented opportunity that Council has to take advantage of for multiple reasons.

Councilmember Carter said if economic development is part of the package then he will vote against the proposal because that is a non-starter for him.

Mayor Clark said discussion will be continued and thanked everyone for being willing to discuss future development of the City of Norman.

Item 2, continued:

Items submitted for the record

1. Economic Development Strategic Plan Revised Draft dated May 2018
2. PowerPoint presentation entitled, "Cleveland County Sales Tax Renewal Potential Transportation Uses," Council Conference dated July 8, 2019

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The meeting was adjourned at 6:19 p.m.

ATTEST:

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City Clerk

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Mayor