

CITY COUNCIL STUDY SESSION MINUTES

April 16, 2013

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:30 p.m. in the Municipal Building Conference Room on the 16th day of April, 2013, 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, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, and Mayor Rosenthal

ABSENT:

Councilmember Spaulding

Item 1, being:

DISCUSSION REGARDING A RECOMMENDATION FROM THE TAX INCREMENT FINANCE (TIF) OVERSIGHT COMMITTEE REGARDING THE LOCATION OF THE RESTROOMS AT LEGACY PARK AND POSSIBLE MODIFICATIONS TO THE FOUNTAIN FEATURES IN LEGACY PARK AS PREVIOUSLY DISCUSSED BY CITY COUNCIL.

Location of the Restroom Facilities and Dressing Rooms.

Mr. Jud Foster, Director of Parks and Recreation, said during the February 19, 2013, meeting of the Tax Increment Finance (TIF) Oversight Committee #2, Staff provided an update on the construction of Legacy Park. During the discussion, the Oversight Committee expressed a desire to provide some accommodations closer to the amphitheater area and expressed concern that performers would not have dressing rooms in close proximity to the stage, stating the proposed bathroom facilities would be too far for performers to use.

The TIF Committee recommended the City Council/Norman Tax Increment Finance Authority (NTIFA) reconsider the design of Legacy Park to accommodate some form of facilities serving the stage area. The recommended facility is in addition to the bathroom facilities located in the park area and the Committee firmly believed a complete lack of facilities serving the stage area will be a severe impediment to the usefulness of the stage area and amphitheater.

Mr. Scott Howard, Howard Fairbairn Site Design, provided schematics reflecting the overhead view of Legacy Park stage area and amphitheater to include the new storage/dressing rooms and relocated restrooms. He said the location of the existing sanitary sewer main serving Legacy Park dictates that any toilet facilities be located along the north side of the amphitheater to allow for gravity flow. Any other location to the south or near the lowered back stage would necessitate a costly lift station. Mr. Rick McKinney, The McKinney Partnership, said the Legacy Park restroom estimate will reduce the size of the base bid restroom, install two new buildings, and provide water, sewer, and electrical services. The additions/deletions to the Legacy Park Project include:

- Relocation of the Restroom Facilities from the original building located on the north central portion of the park to a new 700 square foot building shown in the upper north planter area above the amphitheater seating – increasing the project \$289,559;
- Addition of a symmetrical 700 square foot Dressing Room and Storage Building to the upper south planter area – increasing the project \$234,092; and
- Deletion of the Restroom Facilities from the original building northwest of the pond; however, the maintenance component of this building will remain as originally planned – deducting \$75,300 from the original plan.

The preliminary estimate for the construction of the additional facilities is \$400,000 to \$450,000 and the estimated cost for the additions to the project including design, engineering, and construction is \$450,000 to \$550,000.

Mr. Foster said if Council desires to move forward with this addition to the project, Staff will bring forward change orders to cover the additional costs of design and construction and account for any delays in the anticipated completion date of the park.

Item 1, continued:

Councilmember Kovach felt the estimates are inflated and the additions for relocating a bathroom and adding a dressing room can be done for less money and Councilmember Castleberry, Jungman, and Williams agreed. Mr. McKinney said the estimates were provided by CGC Construction, contractor for the park, and he felt there may be ways to do it cheaper but additional review would be needed. Councilmember Jungman asked whether or not the City can negotiate with potential restaurant site owners regarding placement of a public restroom facility and Mr. Jeff Bryant, City Attorney, said if Council desires, Staff can certainly present the option to the developers. Mr. Bryant felt Council still needed to weigh the cost of relocating the bathroom facility versus the benefit of having a closer walking distance to a public bathroom.

Mayor Rosenthal said she does not like the location of the re-located bathroom facility and new dressing rooms because they are in the portals that go into the park and will not be aesthetically pleasing. She said she appreciates the thoughts and input of the TIF Oversight Committee, but she is not persuaded the \$500,000 cost will be worth the benefit. Mayor Rosenthal said other festivals such as the Norman Music Festival, outdoor concerts, etc., are not inconvenienced because there are not dressing room(s) and/or bathrooms in the immediate area. She said she is not sure how many theatrical events requiring dressing rooms will be scheduled at the amphitheater. Councilmember Williams agreed with the TIF Oversight Committee and loved the idea of bringing the restrooms closer, but felt less expensive options would need to be explored. Councilmember Castleberry agreed stating the costs outweighed the benefit and felt if the TIF Oversight Committee were aware of the estimated cost(s) they might agree as well. He suggested some type of temporary tents and/or buildings to serve as a dressing area for the amphitheater and staging areas and Mr. McKinney said portable dressing rooms could certainly be an option. Councilmember Griffith agreed with the option of offering temporary dressing buildings/rooms rather than a permanent one and said he does not like the aesthetics of the proposed dressing and restroom facilities within the gateway, stating the cost outweighs the benefit. Mr. McKinney said with more clarity and direction from Council the contractor can bring back more accurate cost estimate figures. Councilmember Griffith felt the costs could be cut if Council desires to forego the dressing room on the south end of the park, as well as consider the possibility of moving the bathroom facility east of the gateway, adjacent to the future/potential restaurant site(s). Mr. Howard said those options may also help with the symmetry of the gateway and the placement of the bathroom facility east of the gateway would blend with the park without being part of the park design.

Mayor Rosenthal said there are too many questions/issues to move forward with the proposal for the new dressing room and relocation of the bathroom facility such as: cost, location, actual need for a dressing area due to staging companies providing dressing rooms and/or alternatives for dressing, etc. She understood the dilemma for making a swift decision regarding the proposal in order to keep the construction timeline; however, she felt a decision cannot be made tonight because of the issues. She asked for Council input whether or not they are comfortable with a particular cost figure/number to spend on the proposal so Staff can proceed.

Ms. Joy Hampton, The Norman Transcript, asked if the restrooms at Andrews Park are an issue, specifically the number of children using the facility versus walking distance to the restrooms and Mr. Foster said Andrews Park restroom facility is approximately 200 feet from the stage and to his knowledge there have not been any issues.

Mayor Rosenthal asked Ms. Erinn Ganavan, Norman Arts Council, whether she felt the restroom/dressing room facilities would be a problem and Ms. Ganavan asked whether the City talked to any theatrical performance groups that may use the park. She felt they would assist with providing a solution. Mr. Howard said he spoke with Jennifer Baker at the Sooner Theatre but the focus of the discussion was about the function and operation of the stage facility to include the size, lighting, and utilizing the "pipe and rail" around the backside of the stage to create "draped" areas for changing. He said their conversation did not include location of the bathroom facilities.

Mr. Harold Haralson, TIF Oversight Committee Chair, said the primary concern was that a restroom facility needed to be placed closer to the Legacy Park stage/amphitheater to accommodate younger patrons because the initial placement of the restroom facility did not.

Councilmember Castleberry felt money could be raised privately and is not comfortable with spending additional money for dressing rooms. He said special events will have temporary facilities and the day-to-day passive activity is adequate as proposed and Councilmember Jungman agreed.

Item 1, continued:

Councilmember Lockett said she would rather wait to make a decision and Mr. Bryant said Staff will continue working to partner with developers regarding the restaurant pads and possible location of bathroom facilities. Mayor Rosenthal said Council consensus is to not move forward with the proposed relocation of the restroom facility and dressing rooms and requested Staff bring back research and information as to whether the “need” is crucial to have both closer to the stage/amphitheater.

Possible Modifications to the Fountain Features.

Mr. Foster said originally there was a rather expensive option for cascading fountains on the back side of the stage and Council requested Staff bring back alternate options to enhance the base bid of the fountain package in lieu of the cascading fountains. Mr. Howard said the \$18,500 base bid includes 16 scupper fountains that are pouring out along the back wall of the pad, seven (7) water cannons located on each side for a total of 14 cannons, a floating fountain in the center having seven (7) jets; and incandescent white lighting on the floating fountain with scuppers, which are illuminated at night. He said the water cannons shoot a blast of water 25 to 40 feet in the air, having eight (8) to 10 second intervals, and can be sequenced. Councilmember Jungman asked how long the water cannons will last and Mr. Les McGuire, Delta Fountains, said the cannons have a one year warranty, require regular maintenance, and may need parts replaced/repared within two to three years, but it is difficult to say with certainty exactly how long they will last. Mr. Howard highlighted the alternate fountain features as follow:

Alternate #2 will add seven (7) cannons for a total of 21 to the base bid and will replace the center fountain feature; add 21 Red Green Blue (RGB) Light Emitting Diode (LED) color lights and controls; increase vault size to accommodate extra equipment; increase compressor and air tank capacity; and add additional programming time to animate lights and cannons in sequence (no music integration) and power supply for an estimated cost at \$294,400.

Alternate #2A: Add/program varying height to the 21 cannons including additional animation programming time for estimated cost of \$33,600.

Alternate #2B: Add 21 separate nozzles including a new vault, pump, and controls with variable frequency drive for simple up and down ramping capabilities; nozzles would run independent of the cannons when more tranquil display is desired or in between cannon shows; no additional lighting would be required; and the colored lights used for the cannons would also light up the new nozzles for an estimated cost of \$122,200.

Alternate #3: Alternate #2 must be taken in conjunction with any #3 alternate. 14 additional cannons would be added and RGB (color) lighting, including additional animation programming time for an estimated cost of \$217,289.40.

Alternate #3A: Add varying height capabilities to the 14 additional cannons including additional animations programming time for an estimated cost of \$21,600.

Alternate #3B: Add 14 nozzles including a new vault, pump, and controls with variable frequency drive for simple up and down ramping capabilities; nozzles would run independent of the cannons when more tranquil display is desired or in between cannon shows; no additional lighting would be required, the RGB lights used for the cannons would also light up the new nozzles for an estimated cost of \$110,400. This option would have an additional “wow” factor because it would have a double arc with a total of 35 cannons, 35 jets, and 35 LED lights giving a three dimensional aspect.

Alternate #4: Add 16 RGB (color) lights for the scuppers on the back wall replacing the base bid incandescent lights, including additional controls, programming and power supply vault for an estimated cost of \$44,500.

Mayor Rosenthal asked whether Alternate #2A can be added to the base bid (original plan) without adding other alternates. Mr. McGuire said yes and the most increased cost and “wow” factor is the RGB color changing lighting. He said to address the height and interplay of the various cannons without adding the RGB color changing lights is like cereal without milk because the RGB lighting will make this area a very impressive feature of the park.

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Item 1, continued:

Mayor Rosenthal asked if Alternate #4 can be added to base bid and done irrespective of all the other alternates. Mr. Howard said yes that is pretty standard and the scuppers are a part of the base bid; therefore, the only change would be the white incandescent light to a RGB LED light. Councilmember Griffith asked whether any of the RGB lighting options can be retrofitted with the base bid alternative and Mr. McGuire said no, because the RGB LED lighting requires extra equipment that is not included in the base bid, i.e., a vault to accommodate controls for LED lighting, etc. Councilmember Lockett asked if there is a difference in the life expectancy and estimated repair cost between the two systems and Mr. McGuire said the LED lighting is very cost effective, environmentally effective, and will last a very long time.

Councilmember Kovach felt the City needed to deliver something spectacular and have the opportunity to do so with the RGB LED lights and varying heights. Councilmember Williams felt some level of upgraded fountain features needed to be added. Mayor Rosenthal asked for Council input regarding choosing Alternate #2, #2A, and #4, which will include the RGB LED lighting and varying heights for the water feature and have an approximate cost of \$372,500. Mr. McGuire said basically if Council chose Alternate #2, #2A and #4, the feature would have one row of water cannons/jets with RGB lighting. Council discussed and consensus was that Alternate #2, #2A, and #4 would be the best options for the water feature.

Mayor Rosenthal asked if the fountain(s) will continue to run during Stage 3 Water Conservation and Staff may need to address this issue in the Water Conservation Plan.

Items submitted for the record

1. Memorandum dated April 11, 2013, from Mr. Jud Foster, Director of Parks and Recreation, to Honorable Mayor and Councilmembers
2. Letter dated February 21, 2013, from Mr. Harold Haralson, Chair, University North Park Tax Increment Finance (UNPTIF) Oversight Committee, to Honorable Trustees of the Norman Tax Increment Finance Authority (NTIFA)
3. TIF #2 Oversight Committee minutes (University North Park TIF) dated February 19, 2013
4. Memorandum dated April 11, 2013, from Mr. Rick McKinney, The McKinney Partnership, to Mr. Jud Foster, Director of Parks and Recreation, with attached map and site plan
5. Powerpoint presentation created by Howard Fairbairn Site Design for the Design of Legacy Park Proposed Restroom Locations and Fountain Alternates dated April 16, 2013

Item 2, being:

DISCUSSION REGARDING IRRIGATION DISTRIBUTION SYSTEMS IN PUBLIC RIGHTS-OF-WAY.

Mr. Shawn O'Leary, Director of Public Works, said in its meeting of March 6, 2013, the City Council Oversight Committee discussed domestic water wells for non-potable use and related permit requirements. That discussion was held due to a request from the Cascade Addition Homeowner's Association (HOA) to install a water well for irrigation purposes. The Committee directed Staff to move forward with a proposed ordinance to modernize the City's regulations regarding domestic water wells to be consistent with State laws. Mr. O'Leary said the City Council Oversight Committee further discussed irrigation distribution systems in public rights-of-way (ROW) at the April 10, 2013, meeting and the Committee requested Staff move forward with the permit and schedule as an agenda item on April 16, 2013, Study Session, to share with full Council.

Mr. O'Leary said Mr. Vince DiCastro, President of the Cascade Addition HOA, contacted the Public Works Department requesting permission for the HOA to install underground water lines in the public ROW for a private irrigation system to be used by the HOA to irrigate several common areas within the residential subdivision. Cascade Addition is located south of Tecumseh Road and west of 36th Avenue N.W. The HOA would like to place the irrigation lines in areas currently served by water service lines connected to the City water system. The proposed irrigation lines will be served by a private water well. The HOA wants to bore three inch irrigation pipelines under five existing public streets.

Mr. O'Leary said private water lines in the public ROW has never been authorized by the City in the past. He acknowledged there are probably hundreds of private irrigation systems in the ROW illegally and said the Public Works