

## CITY COUNCIL STUDY SESSION MINUTES

January 13, 2014

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in study session at 5:35 p.m. in the Municipal Building Conference Room on the 13th 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, Jungman, Kovach, Miller, Williams, and Mayor Rosenthal

ABSENT: None

Item 1, being:

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

Council discussed renewal of the Public Safety Sales Tax (PSST) in Council Retreat on November 25, 2013, and in Study Sessions on December 3, 2013, and December 17, 2013. Mayor Rosenthal said a public meeting was held on January 6, 2014, and Council will work through questions that were raised.

### **ANIMAL WELFARE FACILITY**

Mayor Rosenthal said one of the questions raised was the use of PSST funds for animal welfare purposes. Mr. Jeff Bryant, City Attorney, said Staff added language in the ordinance under "Staffing Plan" that specifies an enumeration of uses of the tax once the primary purposes are accomplished. The language reads as follows, "projects or expenditures that enhance animal welfare capabilities."

### **RADIO SYSTEM REPLACEMENT**

Mayor Rosenthal said there were several questions regarding the radio system. Mr. Keith Humphrey, Police Chief, said Staff has been reviewing replacement of the radio system for at least two years or more. He wants everyone to understand the importance of the replacement of the current radio system which is fifteen years old. In 2018 the system will come to the end of its life which means parts will no longer be manufactured for the current system. He asked Mayor J.D. Younger to highlight the needs for a replacement system.

Major Younger said it is important to recognize the Communication Division for the City of Norman that is housed in the Norman Police Department serves multiple departments throughout the City. He has been asked what percentage of the communications are used for public safety and Staff estimates 75% of the communications are by fire or police personnel with 25% communications by other departments such as Fleet Maintenance, Building Inspections, Street Department, Sanitation Division, etc. He said currently the City uses 863 radios and there are two groups of radios, 1) mobile – radios installed in a vehicle or a bay station in an office and 2) hand held – radios typically used by police and fire. He said the current Motorola system was installed in 2000 and in 2006 Staff became aware of a deficiency with one of the controllers (the brain), which turned out to be a \$1.8 million deficiency. In 2006 the City of Norman received a \$1.8 million grant from the State of Oklahoma through Homeland Security that allowed the City to upgrade the technology and infrastructure needed to keep the system working in exchange for joining the State network. As a result, the "brain" or "controller" of the system is located in Tulsa, Oklahoma. In 2008, the City was notified by Motorola that the current system would be at the end of its life in 2018. He said Motorola has already stopped

manufacturing parts for the system and part prices are beginning to rise. He said the Staff that maintains the system has done a great job of reaching out to other cities that are replacing like systems and scavenging parts to help Norman maintain their system. He said in 2018, it will not matter if parts are available or not because the system will no longer be supported by Motorola.

Major Younger said there are three main parts to a radio system, 1) the Core – contains the controller of the system, 2) Consoles – actual pieces of hardware that are in a Communication Center, and 3) Subscribers – users of the radios. He said these three components allow the 863 radios to talk to one another. He said the controller will be at the end of its life in 2018, but the consoles are already at the end of their life and are no longer manufactured. The City has been fortunate to be able to retain some parts to use when repairs are needed. He said there have been questions as to whether or not the current radios could be used with a new system. He said due to a visionary Staff, the radios purchased since 2008 for the system are compliant with the current technology in radio systems. He said radios have a five to seven year life expectancy so the majority of the radios will time out of their life cycle by 2018, so radios are a part of the replacement project. He said new radios will allow the technology for more functionality such as Global Position System (GPS) capability. Councilmember Castleberry asked if the GPS function could actually pinpoint personnel in a room that may have collapsed from a fire. Major Younger said GPS locates the radio within three to four feet.

Councilmember Kovach asked if there is an annualized cost for repairs to the current system and Major Younger said Staff can get that information. He said the radio technician that wires the system reaches out to other cities for parts so all the parts acquired may not have a cost associated to them, but Staff can get the costs for parts purchased. Councilmember Kovach asked how the system was funded in 2000 and Major Younger said those funds were supposed to come from a portion of a bond election in 1999, but that component of the bond failed 49% to 51% so Council appropriated \$2.9 million out of the General Fund reserves along with \$600,000 for renovation of the Communications Facility when it moved from the top floor of the Police Department to the basement for a total appropriation of \$3.5 million.

Councilmember Kovach asked where the cost estimates on the new system came from and Major Younger said Staff researched benchmark partners that have replaced similar systems in the past five years, specifically Independence, Missouri; Shawnee County, Kansas; and Metrocrest, Texas. Major Younger said Motorola and Harris account for 90% of the technology in public safety radio systems sold in the United States and Staff reached out to them for demonstrations and examples of current technology. Staff requested an estimate from the two largest vendors and was told costs would increase 5% annually and Staff also made site visits.

Major Younger said communication tower sites could be included in the replacement costs. He said the City currently has two communication tower sites and based on research, Staff is anticipating the need for five to six sites. Councilmember Miller said she is concerned about the cost of the radio system because citizens do not understand why it would cost \$15 million. She said they understand the need for the system, but part of the City's challenge is how to do a better job of communicating why the costs are so high. She said when citizens realize there are only two vendors that can make a huge difference and people will understand that. She said citizens have not really heard why the City needs all these different components so it is important for the City to be clearer on that. Major Younger said there is a misconception when someone hears the word "radio." They think if you have a radio and I have a radio then you push a button and you can hear me and I can hear you. They think you can go to Academy Sports and purchase radios, but that is not a public safety or Municipal radio system. He said radios from Academy may not work when you push the button, but that is not an option if you are a Police Officer or Firefighter. He said lives depend on that radio working 100% of the time and there is no room for errors or malfunctioning equipment. He said while there are several vendors in the marketplace, there are only two that capture 90% of the business because they do it right. He cannot stress enough how important those three components are and how they must work together.

Councilmember Holman asked if there had been any instances where Police or Staff radios have been out of range in the city limits with no radio contact and Major Younger said yes, coverage is 85% in vehicles with a mobile radio and 65% on a hand held radio. Major Younger said there has been more than one incident namely during the wildfires last August and the most recent tornado incident in May. He said Norman's system was taxed to the point that it was unusable by public safety personnel. Mr. James Fullingim, Fire Chief, said there are also some areas where the radios do not work such as basements and areas east of town where radios are unreliable all of the time. He said during every significant disaster the City has had, the radio system has crashed. He said personnel have to be sent out to gather information and bring that information back to the Emergency Operations Center (EOC), but the information is an hour old by then.

Councilmember Castleberry said a needs assessment study should to be done first to figure out exactly what is needed then a Request for Proposal (RFP) should be sent out. He asked how long it would take the City to construct and send out a RFP and Major Younger said at a minimum, Staff knows what has to be replaced, but there are some verification items that could be addressed with a needs assessment. He said the first step would be to obtain an independent needs assessment and there have been discussions on finding a consultant to assist along those lines. Councilmember Castleberry said the public has been critical of the City's spending money on studies then not doing anything with them, but this is obviously a study that needs to be done and he would like to get that started regardless of how the system is financed. Major Younger said replacement of the system would take approximately two and one half years in a seamless scenario from the independent needs assessment and to going live, which needs to happen by 2018. Mayor Rosenthal said she understands Councilmember Castleberry's concerns, but knowing how the project is funded will make the progress move more seamlessly from Phases one, two, and three. Councilmember Griffith asked about the timeline and cost of a needs assessment and Major Younger said it would take approximately four to six months for the study to be completed and the RFP prepared for release and that is estimated to cost of \$300,000.

Councilmember Williams said when Council first heard about replacing the radio system, the cost was \$12 million and now it is \$15 million and asked why there is a \$3 million change. Major Younger said in 2011, the City held a joint PSST/Council presentation and at that time in-depth research had not been done and the amount presented at that time was \$8 to \$10 million. He said the current market is \$12 million and he is confident that amount is a reasonable estimate based on demonstrable deployment and what vendors are telling Staff to anticipate as far as an annual increase. Councilmember Williams asked if the \$15 million includes the consultant for the needs assessment and Major Younger said no. Mayor Rosenthal asked if the \$15 million anticipates enough funding for the two and one half years it will take to replace the system and Major Younger said it encompasses anticipated increases in the market through 2017.

Councilmember Griffith asked if the estimates of \$8 to \$10 million in 2011, included communication tower sites and Major Younger said the 2011 estimates were pre-in-depth research before contacting benchmark partners, similar cities, and vendors. Councilmember Griffith asked if the additional towers added a considerable increase to the estimated cost and Major Younger said it could if land has to be purchased and Staff feels comfortable the \$15 million encompasses worst case scenarios.

Councilmember Kovach said if the PSST renewal passed and a portion of the funds went towards a Revenue Bond to pay for the system, is the City eligible to tap into that revenue stream before the sales tax is received and Mr. Anthony Francisco, Director of Finance, said yes. Mr. Bryant said language was also added to the ordinance that if a debt service is incurred for capital needs PSST funds can be used for that.

Councilmember Williams said if 25% of the system is used by other departments, can PSST funds be used to purchase the entire system and Mr. Bryant said language is broad enough regarding other uses that PSST funds could be used to cover the additional 25%. Mayor Rosenthal asked for an example of how Line Maintenance or the Street Department would use a radio and Mr. Shawn O'Leary, Director of Public Works, said the radios are used daily, but one example is the Street Division is currently picking up vegetative debris from the recent ice storm event and are using the radio system ten to twelve hours per day. He said after every major storm event, the City cleans up and having radios are very important during those times.

Councilmember Castleberry asked if grants are available and Major Younger said Staff has not been able to locate any viable funding sources, but continues to look.

### **SCHOOL RESOURCE OFFICERS**

Mayor Rosenthal said a question was raised at the public meeting on whether the School Resource Officer (SRO) Program would enhance security and what other goals are intended to be served by the program. Chief Humphrey said the main focus of the SRO Program is to create a safer environment for students and faculty. The program also helps revitalize law enforcement's image to students and enhances those relationships. He said a lot of times students want answers to questions, but there is no one to ask and this program provides that liaison between the school and students if students want to report something or need assistance. He said three major incidents have occurred in the United States recently involving an active shooter in a school and the tragedy was reduced based on the fact there were law enforcement officers at the school. In one incident, it took only 80 seconds for the officer to respond from where he was located at the school to the aggressive point of the school.

Chief Humphrey said the Norman Police Department is currently taking an active role in working in the schools and helping kids understand topics of bullying, drugs, etc. He said the Police Department is receiving more and more requests to go into the schools and the SRO Program would give Police a foundation in the schools where mentoring and teaching students would be a part of their duties. He said officers in schools also give the Police Department and opportunity to recruit candidates for the Explorer Program and eventually future Police Officers. He said the program is about building long term relationships.

Chief Humphrey said the SRO Program increases safety in and around the schools; increases perception of safety; improves response times to incidents; helps in reduction of truancy and certain property crimes near and around the school; and decreases distractions for teachers allowing them more time to meet the educational needs of students.

Councilmember Williams asked about the duties and training of SRO's and Chief Humphrey said the SRO's would be hand selected by the Police Department and School Administration and have specialized training. He said there are officers that currently work on a contract basis in the schools, but that does not mean those officers would be selected. He said you have to relate to children differently than your average adult because a lot of times children are reaching out for help and an officer has to understand the needs of the child. At the same time the officers are there to enforce laws, but do not address administrative rules such as the dress code. He said there has to be an ongoing relationship between the school administrators and the Police Department and that is why it is important to have a supervisor overseeing the SRO's. He said the Norman SRO Program will be designed specifically for the City of Norman Police Department and City of Norman Public Schools.

Councilmember Williams was concerned that in five years the schools or parents will be disappointed with the program and pull funding. Chief Humphrey said that is why SRO's need to be specially trained and there needs to be a joint effort with the schools. He does not know of any SRO Programs that have been eliminated, but there are many that have been increased. He said SRO's understand they will be assigned to a school nine months out of the year and the other three months they will have other duties or will be able to update their training to be certified officers or obtain other in-service training if needed. He said some schools have summer school programs and SRO's will continue to work in the schools.

Councilmember Holman asked if SRO's have different training for elementary level versus high school level and if SRO's assigned to one particular school or if they rotate. Chief Humphrey said SRO training will cover all ages and grade levels and SRO's will be trained to be more proactive so problems do not escalate. He said once an officer is assigned to a school, that will be their school until they retire, separate, or transfer. He has known SRO's that have been at a school for 25 years that have mentored second generations of children. Councilmember Griffith asked if the SRO's will be chosen from current Staff to be trained as SRO's and Chief Humphrey said there will have to be an academy specifically for SRO's. Mayor Rosenthal said a concern among citizens is that patrol officers will be placed in schools. Councilmember Kovach asked if the City will fully fund the academy training and Mr. Francisco said there is the possibility that some of the funding may come from the City as well as the school system. Councilmember Kovach was concerned that if an academy began in 2016 there would be no revenue from the schools until 2017 so the City would be funding those positions. Mr. Francisco said in all probability, a contract will be entered into with Norman Public Schools to fund half of those positions for a full fiscal year, but personnel may be assigned before or after July 1st when school is not in session so clearly there may be some time when both the City and/or the school system is paying for the position when the person is not yet in the school.

Councilmember Kovach said although the Police Department has a vision of how the SRO Program will work, he understands there is currently no Memorandum of Understanding with Norman Public Schools and Chief Humphrey said that is correct. Councilmember Miller said having been a school principal, she knows the school superintendent is eager to be involved in a collaborative effort with the Police Department for school safety. She has had several constituents ask about safety in schools and what is being done to prevent incidents such as recent school shootings in other communities. She said most of the discussions regarding the SRO Program have come from the City and it is important for the public to hear from the school as well. Mayor Rosenthal said she has had two conversations with the school superintendent and they want the SRO Program; however, they are currently focused on their bond election, which is their priority right now. She said the school district is quite supportive of the program. Councilmember Miller said she is not concerned about the Memorandum of Understanding she is concerned about public perception the program. Chief Humphrey said he would not promote this program if he did not have support from the school system.

Ms. Joy Hampton, The Norman Transcript, asked if the school system has a dedicated safety fund for the program and Mr. Francisco said yes. Ms. Hampton asked if each SRO will be assigned a police vehicle as part of the package and Chief Humphrey said yes. Ms. Hampton asked if the SRO Program would include a canine unit and Chief Humphrey said the Police Department has those resources available, if needed, and assured Council there is no plan for implementing a canine unit in the schools. Councilmember Holman asked if the vehicles will be purchased specifically for SRO's or the patrol fleet as a whole and how many patrol vehicles are generally on hand. Chief Humphrey said there is a perception that every officer has a take home vehicle, which is not true. He said the vehicles can be assigned in many ways and that will have to be worked out in the agreement with the school system.

Mayor Rosenthal was concerned about language in the title of the ordinance which states, "levying and assessing a sales tax of one half of one percent (1/2%) *in addition to* present City and State sales taxes." She said this PSST renewal is not *in addition to* City or State sales tax, but it could be perceived as such and she would like to have that language clarified. Mr. Bryant said the clause *in addition* does not really mean there is an addition to the current temporary PSST, but Staff will work with the Bond Counsel on clarifying the language.

Councilmember Miller asked if Section 17 of the ordinance is standard language and asked for an example of how the language would apply to the ordinance and Mr. Bryant said this is standard language that is a catch all phrase to administratively remedy any technical issues that may unexpectedly arise. He could not think of an example where the language was ever used, but he would ask the Bond Counsel to review the language.

Councilmember Kovach said he has heard from constituents who are not happy with the current proposal. He said there were various points of view in the public meeting, but the most unanimous issue that came out of that meeting is that citizens felt they do not have enough information. They want time to obtain more information and have more input. He said when the PSST renewal discussions began Council fought to bring discussions up early with the idea that it could be discussed with the public without the public feeling like they were being rushed and have a gun to their heads.

Councilmember Kovach said Council required the City Manager set aside six months of PSST reserve for salaries and benefits so there could be the luxury of time for discussion before the tax expires as well as time to discuss how to solve the problem if the PSST is not renewed. He appreciates the Mayor's cognizance that Council has a crowded calendar and that there are difficulties in the dates available to move this to an election, but since there are still a lot of questions from Council you can imagine how the public feels at this point. He said Councilmember Miller brought up a point he has heard himself that if the school wants the SRO Program, why aren't the schools talking about it. He understands there are good reasons for that such as not clouding their bond election; nevertheless, it is still a concern of the public. He said there is no Memorandum of Understanding with the schools and while he understands Council does not want to put the cart before the horse, Council is certainly planning to vote on a Memorandum of Understanding in the Council meeting on January 14th before there is an approved funding source. He said you do not make a multi-million dollar deal without a Memorandum of Understanding and if the City does not have all the facts and the proposition is not clear and transparent, the election will fail. He said the very fact that there are still major debates among Council is an indication the City is not ready to bring this forward to the public. He said there are still public questions regarding the cost of the radio system and although there is a reason, the public does not understand that yet. He felt you could only get the education out on one issue at a time. He said Council was also planning a stormwater utility fee election in August, but felt that is not going to happen because there is not enough time to educate the public.

Councilmember Kovach said the Public Safety Oversight Committee (PSOC) did not have a quorum at their last meeting and they are the Committee that oversees the PSST funds to make sure the City is doing the right thing. The PSOC was envisioned as the major vehicle on this renewal and they have never sat at the table with Council. He said to go forward with so many questions from Council as well as the public is an invitation for disaster and citizen groups will campaign against the proposal. He said the 2006 sales tax election should be a fairly recent lesson for everyone that if the citizens do have clear information a small group with a limited budget can kill a proposition. He said the City has the ability to move the election to later in the year and there are still two years left before the tax expires plus the City has banked six months for salaries, which tells him there is no reason to rush the public. He said Councilmembers Castleberry and Heiple are always asking the public to attend meetings and get involved in their government and the public did attend the PSST public

meeting and asked Council to postpone the election until the public has the information they asked for and he felt if Council moves forward they are disrespecting the public.

Councilmember Heiple respectfully disagreed with Councilmember Kovach. He said it is profoundly important to listen to constituents and Council has listened. He said as far as the PSST, this is as clean a process as the City has ever had. He said if the vote is delayed it becomes vulnerable to larger State elections, which are typically driven by other outside entities that the City of Norman has no control over. He has listened and heard the public articulate they are not certain about some things, but the reality is that is true with every single voting issue that has been brought up over the last thirty years. He said making decisions is not about a popularity contest and sometimes Council has to make difficult decisions. He said Staff and Council have been clear, decisive, and done their homework and it is time to move forward.

Councilmember Castleberry asked Councilmember Heiple if he preferred a permanent or temporary tax. Councilmember Heiple said a case can be made for both, but the final analysis is that a temporary tax gives the public the maximum amount of control and transparency of the funds. Councilmember Castleberry said Council has not come to a consensus on a temporary or permanent tax and that is a discussion Council should have. Mayor Rosenthal said permanent vs. temporary has had a lot of discussion with a lot of people weighting in, but Councilmember Castleberry disagreed and asked when had the public weighed in.

Mayor Rosenthal believes the public prefers a temporary tax because it provides accountability and control. She said a comment was made in 2008 that no other community has a temporary sales tax and hires personnel, but Edmond, Oklahoma, passed a temporary sales tax of 1% in 1977, which was renewed in 1986, 1996, and 2006 that was used for capital needs and personnel. She said the argument for a permanent tax is basically sympathy toward personnel and individuals to feel they are secure in their positions, but in ten years the City will have personnel who have 17 years on the job paid by a temporary tax and will have bumping rights and a great deal of security. She felt it is premature to make the tax permanent due to a couple of issues which could change the City's revenues significantly over the next ten years; 1) internet sales and 2) University North Park Tax Increment District (UNPTIF) funds. She said at that point, the City can come back to the voters for a permanent tax if warranted.

Mayor Rosenthal said as far as Councilmember Kovach's request to delay, delay to when? She thinks many of the available election dates over the next twelve months are not particularly desirable for an election. She said the City will still face the same issues and history tells her the City will have the same debate that Council had in 2008 and that will be the same debate a year from now. She said the City puts personnel at a greater risk of security if this is not moved forward in a timely fashion. She said if the tax expires the City imposes a cost on businesses to change their sales tax then coming back later for the elections imposes a greater cost to change it again. She has spoken to many citizens and they are not really tuned in to the PSST renewal. She said elections are about education and the many meetings on the PSST demonstrates that Council has done a lot of ground work to demonstrate a lot of thought and time has gone into developing the projects and delay of the radio system replacement will have a significant impact on public safety.

Councilmember Miller said she is concerned about putting this on the ballot along with something that will take the attention away from the issue or bring out groups attacks. She asked what the issues are on the elections through November and Mayor Rosenthal said June is a State partisan primary election with a relatively low voter turnout and that can be a disservice to a non-partisan City issue. She can say the same for the November election date and August is a run-off election, which may not be needed. Councilmember Kovach said the City had the largest bond election that has ever been passed in an August election and that was on a ballot with an actively debated run-off election for Senate Seat 15 and it still passed. He said August is more palatable for an election and also gives the City more time to educate the public. He said if the only

election date options were June and November, he would agree with the Mayor because those are highly partisan elections which make it more difficult for the public to digest all the advertising. He did want to make the mistake of hurrying when the City has the luxury of waiting until August. He said the City may end up with the same package they have today and that is alright as long as it passes. He said it is a good package and he is not arguing against the radios or the SRO's, he is arguing for more time for a better chance of success. Councilmember Castleberry said UNPTIF funds have nothing to do with public safety and the cost to a business to change the tax status is no big deal because tax software updates automatically.

Ms. Jayne Crumpley, 423 Elm Avenue, said she is a big supporter of the PSST, but she has a lot of questions she does not have the answers to and agreed with Councilmember Kovach that more time is needed to educate the public.

Ms. Hampton said there seems to be some dissension among the public regarding not hearing from the school system on the SRO's and wondered if there would be enough time between the school bond election on February 11, 2014, and the April election to educate the public on the SRO's.

Councilmember Jungman said he supported an April election.

Councilmember Williams supports an August election because he would like to hear more comments from the public. He said of the few comments made at the public meeting perhaps one person out of all the attendees was against the renewal and everyone else wanted it to pass, but they also wanted more time to learn and Council should honor that. He said the school system is in no hurry to get SRO's in place. The schools are safe and there are officers in the schools now and this is just an enhancement to their safety program. He supports the package, but wants more input from the public.

Councilmember Griffith said if the election is delayed until August how many public meetings does Councilmember Williams estimate it would take to satisfy the public's lack of knowledge so they would fully support the election. Councilmember Williams said he did not believe there could be enough meetings to satisfy the public, but there should be enough meetings for the City to say, "We have done what we can do." Councilmember Griffith asked if the City could have two to three public meetings between now and April that might provide the information that would satisfy the public so they could confidently vote in support of the PSST. Councilmember Kovach felt it would be better to go to the public, give them options, then ask what option they like best. He said that way Council can say they listened to the public and used the public's feedback. He said there was applause at the public meeting when someone said to make the tax permanent and put the funds into the General Fund. He said that gave him pause and although it was not a large crowd, it was a diverse crowd. He said if that is where the public thinking is today and Council is trying to go back to the 2006 mentality then that is a mistake. He said there needs to be at least one more public meeting before Council decides on the ballot language. Mayor Rosenthal said at the end of the day there will continue to be debates and it will not be resolved if the City has five public meetings or ten public meetings. She said at least one more public meeting could be held before the proposition goes to Council for Second Reading on January 28th.

Councilmember Miller asked if there will be a public meeting as well as another Study Session for Council to decide whether or not the election will be held in April or August. Mayor Rosenthal said she would have to look at the calendar to see what dates are available prior to January 28th.



Items submitted for the record

1. Memorandum dated December 19, 2013, from Anthony Francisco, Finance Director, to Honorable Mayor and City Councilmembers, with Table: Financial Projections – Provisional PSST Renewal
2. Ordinance No. O-1314-33
3. Special Election Proclamation and Notice of Election

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The meeting adjourned at 7:48 p.m.

ATTEST:

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City Clerk

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Mayor