

CITY COUNCIL CONFERENCE MINUTES

April 10, 2018

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:05 p.m. in the Municipal Building Conference Room on the 10th day of April, 2018, 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 Allison, Bierman, Castleberry, Clark, Hickman, Holman, Karjala, Wilson, and Mayor Miller

ABSENT: None

Item 1, being:

DISCUSSION REGARDING THE STORMWATER CITIZEN COMMITTEE RECOMMENDATIONS REGARDING FUNDING FOR THE STORMWATER PROGRAM.

Ms. Amanda Nairn, Co-Chair of Stormwater Citizens Committee, said the Committee was established by Council on April 25, 2017, and includes sixteen (16) members representing every Ward and four (4) Council liaisons, which met every two weeks from May 15, 2017, to January 22, 2018. She said the Committee defines stormwater to include both water quality-related issues and flooding-related issues. She said there are several problems caused by stormwater runoff and the Committee suggested in their recommendations General Obligation (GO) Bonds for the Capital Improvements Program for large infrastructure issues and a stormwater utility fee to address water quality and maintenance needs because the problem could not be solved without both sources of funding.

Ms. Nairn said the stormwater capital improvement projects typically include construction of a new expanded or improved tangible asset. Approximately 60 of these projects have been identified in all wards. She said the recommendation is a \$59,000,000 GO Bond Package. Ms. Nairn said the stormwater utility fee and water quality involve the mandates for the City's MS4 Permit/Lake Thunderbird Total Maximum Daily Load (TMDL) Compliance. She said a certain level of care to the stormwater system has to be maintained and there is a permit that has to be renewed every few years. She said failure to meet the MS4 Permit or Lake Thunderbird TMDL has the potential cost of up to \$10,000 per day in fines and penalties. She said the TMDL Compliance specifically mandates the water quality. The water quality of Lake Thunderbird has to be improved. She said the best way to do that is to improve the water quality of the runoff going into Lake Thunderbird. There is very little water quality and maintenance being done, because of the lack of funding. She said channels and pipes are not being checked regularly and issues are not addressed proactively which leads to emergency situations.

Mr. Andy Sherrer, Co-Chair of the Stormwater Citizens Committee, said just performing creek maintenance has a large cost to it and that impacts flooding. He said there are mandates and capital needs that need to be addressed and there is also maintenance on the system to make sure it is being kept up to an optimal level.

Ms. Nairn said the current annual funding is \$3,189,348.60 for this fiscal year. She said the Committee is proposing a medium to good sized fully funded program at \$7,437,366.32 in order to address these serious issues with Stormwater. She said the additional services this funding will provide are adding additional employees to manage infrastructure repair and replacement projects and apply for and manage any available grants; a camera truck and at least two maintenance workers to track and eliminate illicit discharges; two new stormwater compliance inspectors to monitor and enforce ordinances; increased

public education and outreach; two additional street sweepers for additional sweeping in neighborhoods and special districts; and adoption of a program to install best management practices, such as rain gardens, bio swales, and others, within the Lake Thunderbird watershed.

Councilmember Wilson asked what the monitoring boxes look like. Ms. Carrie Evenson, Stormwater Program Manager, said some may have noticed the red boxes along roadways at creek crossings. She said the boxes have a white and brown cylinder with a gold top on them, which is a rain gauge plus a refrigerated auto sampler at the permanent monitoring locations so that when the creek level rises, a sample can be collected at the rise of the peak. She said if someone has to come out to sample it, there is the potential they could not get to all ten (10) of the sites in time to hit the right location on the rise in the hydrograph.

Councilmember Wilson asked how often the data is collected. Ms. Evenson said a sample is required to be collected and analyzed once every month.

Ms. Nairn said the Infrastructure Maintenance/Operations would be funded by the stormwater utility. She said the camera truck is going to proactively identify infrastructure maintenance or repair needs. She said there is money in the stormwater utility budget proposal for the Neighborhood Assistance Program to assist neighborhoods with some of the privately owned infrastructure. Councilmember Wilson said she would like the Neighborhood Assistance Program approved before a vote of the people. Ms. Nairn said that has been requested by the Committee as well. Mr. Shawn O'Leary, Director of Public Works, said staff is working with the committee on various program documents to bring back to Council at a future date.

Ms. Nairn said the Condition Assessment Program includes inventory and inspections of stormwater infrastructure. She said an inspection process to help keep neighborhoods up to par is something important to add.

Councilmember Castleberry asked if the Committee discussed the Home Owners Association (HOA) detention/retention basins. Mr. Sherrer said yes and if there is a similar situation, an assistance program could be utilized for that purpose. Mr. O'Leary said once Council enters into an agreement with the neighborhood, the HOA will have to grant a contractor access to the private space.

Councilmember Wilson said she would like to explore the idea of the dollars being spent evenly in each ward. She said there are a lot of private roads that could use assistance. Ms. Nairn said there will be some kind of rating system to show immediate need and staff is currently developing a system. Mayor Miller said the issue with private roads is the roads have to be brought up to standard before the City will take the roads over.

Mr. Sherrer said there is a \$59,600,000 GO Bond package proposed for 33 of the 60 projects identified as city-wide infrastructure projects for flood mitigation. He said there is over \$100,000,000 in projects that merit consideration for improvement, but the Committee felt \$59,600,000 is the appropriate amount needed now. He said the total cost is \$7,400,000 for the water quality related stormwater program. Mayor Miller said it is common to hear questions from the public regarding priorities regarding road and stormwater work and these projects have been prioritized based on how severe the problem is and what part of down the project is in does not have anything to do with how the projects are chosen.

Councilmember Hickman wanted to clarify that the 33 projects identified were not the top 33 ranked projects. Ms. Nairn said the Committee wanted all projects in every ward to appeal to all voters, but not all projects can be included. She said all projects are most likely highly ranked in each ward. Mayor Miller said this would depend on if all the money would go to the highest ranked projects.

Councilmember Wilson stated there are zero projects east of 48th Avenue East. Ms. Nairn said the Committee decided to not look at every project and knew there were a lot of projects packaged together, but it is definitely something that can be changed.

Ms. Nairn said the proposed recommendations for the utility fee will generate \$4,500,000 to add to the \$3,100,000 included the General Fund. She said the Committee decided on a \$6.25 flat fee for residential with a 30% credit for low income customers and a tiered fee based on parcel size for non-residential. She said other Committee recommendations discussed were the appeals process and a Neighborhood Assistance Program; an expert communications firm to assist with the communications and public education; both the bond package and the stormwater utility fee on the same ballot which has a strong consensus; a Citizens Oversight Committee; consideration of future additional credits or incentives; and further research by Council into a potential per unit fee for multi-family properties.

Ms. Nairn said Alternative A has a \$5.00 flat fee for residential and the same 4-tier rate structure for non-residential. She said the proposed Alternative A produces \$4,000,000 total revenue for the utility fee with \$3,100,000 to be provided by the General Fund. She said the 30% credit for low income customers is still provided.

Ms. Nairn said Alternative B brings in \$4,200,000 total revenue from the utility fee and \$3,100,000 provided by the General Fund. She said there is a residential 3-tier fee structure based on the living area, which does not include garages, back porches, outbuildings, etc. and the same 4-tier fee structure for non-residential. She said the Committee likes these numbers, but these rates could change.

Councilmember Castleberry said all proposals include a \$3,100,000 subsidy from the General Fund and the General Fund cannot continue to sustain that funding. Mr. Sherrer said the Committee discussed what the best option to the voters is to solve the issue and the \$3,100,000 needs to be part of this to get to the needed dollar amount. He said it is too costly for the voters to support this in its entirety. He said if something is not done now, the actual cost will continue to increase. He said stormwater will need to be dealt with in the community. Mayor Miller said allowing the citizens to vote on this fee may help the public realize there is an issue and feel comfortable about paying the fee. Councilmember Bierman said it doesn't mean the rates could not be raised at a later date once citizens see the projects and work being done so the dollars are being put to good use.

Ms. Nairn said the next step is to provide information to the community. She said it is time to hear from the citizens on the Committee's recommendations and gather information. She said Hahn Public Communications conducted an interactive voice phone survey to gather input. She said there will be more focus groups and surveys to receive input from the citizens.

Ms. Nairn said there were 401 registered voters who responded to the survey of the proposed solutions. She said the survey questions focused on the Committee's recommendations as follows:

"Do you think flooding in Norman is a critical safety issue or a minor safety issue?" The citizens answered with 52% a minor issue; 38% a critical issue; and 10% unsure.

The City is considering new funding proposals to pay for flood mitigation and water quality infrastructure improvements. Have you heard anything about the proposal? The citizens answered with 76% no; 20% yes; and 4% unsure.

The citizens' committee has been formed to propose a potential bond issue and fee structure for flood mitigation and water quality projects. Does knowing that a proposal was developed by a citizens'

committee make you more likely or less likely to support a potential proposal? The citizens answered with 55% more likely; 28% unsure; and 17% less likely.

The citizens' committee has identified approximately \$59 million in potential bond projects to fund infrastructure for flood mitigation. Does knowing this make you more or less likely to support a potential bond issue? The citizens answered with 45% more likely; 31% less likely; and 28% unsure.

Do you support a fee based on house size versus a flat fee? The citizens answered with 44% size of home; 26% flat fee; 14% no fee; 13% prefer other; and 2% unsure.

Ms. Nairn said there will be more in-depth demographics that will come along with the survey. She said the Committee is interested in hearing from the citizens.

Councilmember Hickman thanked the Committee members for their time and effort and it is time for Council to listen and get input from the community.

Councilmember Holman asked Staff to comment on the current status of the TMDL. Ms. Evenson said the Compliance and Monitoring Plans are on target and non-structural controls are being implemented, which are educational pieces. She said by the end of year five Stormwater will be required by the Oklahoma Department of Environmental Quality to review the monitoring data and determine how closely the low reduction requirements are being met, which is at 35%. She said if those requirements are not being met, monitoring stations may need to be moved to install structural controls.

Councilmember Castleberry asked staff to compare these proposals with other communities.

Items submitted for the record

1. PowerPoint presentation dated April 9, 2018, entitled, "City of Norman Stormwater Citizen Committee Recommendations to Council"
2. City of Norman Stormwater Citizen Committee Final Recommendation to City Council dated January 22, 2018

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The meeting was adjourned at 6:23 p.m.

ATTEST:

City Clerk

Mayor