

## CITY COUNCIL CONFERENCE MINUTES

October 25, 2016

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:04 p.m. in the Municipal Building Conference Room on the 25th day of October, 2016, 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, Castleberry, Chappel, Clark, Heiple, Hickman, Holman, Karjala, Mayor Miller

ABSENT: None

Item 1, being:

CONTINUED DISCUSSION REGARDING THE FINAL REPORT BY RAFTELIS FINANCIAL CONSULTANTS REGARDING WATER AND WASTEWATER CONNECTION FEES AND REVIEW OF SAID CONNECTION FEES RELATIVE TO THEIR SUFFICIENCY TO FUND NEW CAPACITY AS DESCRIBED IN ORDINANCE O-1415-18.

Mr. Ken Komiske, Director of Utilities, said Raftelis Financial Consultants, Inc., (Raftelis) gave a presentation on the Water and Wastewater Connection Charge Study at the Council conference on May 12, 2016. He highlighted the project objectives of the Raftelis study to include:

- Updating the City's water and wastewater connection fees by industry standard methodologies and maximum allowed by Oklahoma law;
- Develop water and wastewater capital financing plans featuring a mix of funding sources, including connection charges, rate revenues, external debt financing, and wastewater excise tax on new development; and
- Survey the connection charge of comparable communities.

Mr. Komiske said the Raftelis report also recommended that the City review its connection fees every five (5) to seven (7) years, as the capital improvement plan may undergo significant changes during the 10 year planning period that is described in the report.

Mr. Komiske said the Raftelis report also looked at the growth-related items on the City's capital projects plan and Staff listed the upcoming projects to include:

- Reactive arsenic wells and three (3) million gallon per Day (MGD) groundwater treatment plant: \$19.0 million (FYE 21,22,23)
- Additional connection to Oklahoma City (OKC) \$14.4 million (FYE 22,23,24)
- Water line enlargement: \$11.5 million (FYE 21-25)
- Two (2) new ground water wells and supply lines: \$ 2.7 million (FYE 16,17,18)

Regarding the two (2) new ground water wells and supply lines; Mr. Komiske said the City has completed the hydrologic study to see where the wells should be located and looking at hydraulics to determine where the lines should be connected. He said FYE 2017, the City will determine the well locations and begin the permitting process. Mr. Komiske said the City should begin drilling the wells in FYE 2018.

Mr. Komiske highlighted line items on the FYE 17 and FYE 18 Capital Budgets for the Water Fund that was adopted by Council to include the Net Operating Revenues with connection fees; Other Revenues, i.e., bonds and interest; Capital Projects. He said the ending fund balance for the Water Fund would still have healthy balances in

Item 1, continued:

FYE 17 and FYE 18 because the \$2.7 million two (2) new ground water wells and supply lines project will be funded by a 20 year bond.

Mr. Komiske said on November 25, 2015, Council adopted O-1415-18 which states that Council shall review the connection fees relative to their sufficiency to fund new capacity no later than November 1, 2016, and at least biennially thereafter, to determine the appropriateness of the fees in accordance with Oklahoma Statutes, Title 52, Section 895. He said the Raftelis Water Capital Financing Plan Assumptions is a 20 year term with a 4.25% debt coupon rate. Mr. Komiske said budgeted growth related costs of \$2.7 million through 2018 would require debt service costs of approximately \$200,000 in connection charges, which is a very conservative number.

Councilmember Castleberry said the City has already collected \$255,000 in connection fees in the first four (4) months of FYE 17, and Mr. Komiske said that is correct.

Mayor Miller asked Staff to elaborate on the difficulty of estimating capital costs using historical figures versus actual costs. Mr. Komiske said no two water wells are the same. He said holes are drilled; test wells are checked for quality and quantity; if successful, each well is developed to the best of *its* ability; and then the well is connected to the City's water system. The hydrologic study of the aquifer will help determine where the best locations are to dig wells in order to get water. Next the hydraulics of the City's pipelines will be looked at to determine where to make the connections.

Mr. Komiske said ideally, wells need to be at least one-half mile apart so they do not interfere with one another since they will be drawing from the same aquifer. He said the well locations are the primary piece and best techniques are put into practice so that the least amount of pipe is used to get them connected to one another. However, miles of pipe may be used before they reach into the community. He said another piece will be determining whether the wells will need to be treated in the future. Mr. Komiske said the Strategic Water Supply Plan includes a treatment plant(s) proposal but may cost \$75 to \$80 million based upon a lot of regulatory "what ifs," however; it is not included in the Raftelis report since the City is meeting all the requirements at this time.

Councilmember Holman said new development(s) does not necessarily mean new growth and Staff said that is correct.

Mr. Komiske highlighted the ordinances and connection fees increases based on a 3/4 inch services as follows:

			<u>Service Size</u>	<u>Current Fee</u>
O-7374-33	January 8, 1974	\$ 250		
O-8485-1	August 1, 1984	\$ 350	3/4 inch	\$ 1,275
	August 1, 1985	\$ 450	1 inch	\$ 2,217
	August 1, 1986	\$ 550	1 1/2 inch	\$ 4,433
O-0607-32	May 11, 2007	\$ 850	2 inch	\$ 8,592
O-1415-18	August 1, 2015	\$1,075	3 inch	\$19,292
	August 1, 2016	\$1,275	4 inch	\$35,988
			6 inch	\$76,048

Staff said water, wastewater, and/or sanitation rate increases are determined by citizen voter approval at an election and must happen before any increases and/or reductions can be made. Mr. Komiske highlighted the history of rate increases for water, wastewater and sanitation.

Councilmember Castleberry asked whether there are any updated/actual numbers at this time that are different from what the Raftelis report indicated to the City two (2) years ago and Mr. Komiske said no, not at this time.

Item 1, continued:

Mr. Komiske said as of right now the City has only completed the hydro logics and the drilling of the wells has not begun. He said, as indicated earlier, the actual cost/number for each well is very much unknown at this time. Councilmember Castleberry asked if Staff was satisfied with the \$200,000 connection fees the City will be collecting to help fund new capacity improvements and Staff said yes.

Councilmember Hickman asked whether the City tracks and accounts the connection fee funds separately and Mr. Anthony Francisco, Finance Director, said the City tracks separately within the enterprise funds. Councilmember Castleberry said they are separate line items within the budget; however, they all go into the same "checking" account and Mr. Francisco said that is correct. Councilmember Hickman asked whether Staff tracks those connection fees with the expenses associated with the capital improvements for growth related development. Mr. Komiske said no; however, he felt the City does enough growth related development in that the fees collected are not too high or in violation of state law and fees are being utilized correctly, i.e., using capital connection fees for growth by increasing size of pipes, drilling wells, etc.

Mayor Miller said Council will consider Resolution R-1617-44 on tonight's Council agenda and if approved an additional review of connection fees under Ordinance O-1410-18 will be done no later than November 1, 2018.

Items submitted for the record

1. PowerPoint Presentation entitled "*City of Norman, OK Water and Wastewater Connection Charge Study*," City Council Meeting, Presented by Raftelis Financial Consultants, Inc., dated May 10, 2016

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Item 2, being:

CHANGE ORDER NO. ONE TO CONTRACT K-1516-72 WITH CENTRAL CONTRACTING SERVICES, INC., INCREASING THE CONTRACT AMOUNT BY \$42,154.40 FOR A REVISED CONTRACT AMOUNT OF \$384,869.40 AND ADDING 10 CALENDAR DAYS TO THE CONTRACT FOR THE WEST MAIN STREET DRAINAGE PROJECT.

Mr. John Clink, Capital Project Manager, said a portion of the City's FYE 2008 Capital Drainage Project in the Cambridge Place Addition consisted of installing drainage inlets at the low point of Midway Drive and carry the water in storm water pipelines to the system located in public drainage easement under the parking lot of Arbor House located on West Main Street. He said this proposed project is in the last phase in the City's program of improvements for the Midway Drive stormwater system. Mr. Clink said the project includes upsizing the public stormwater pipelines downstream of Arbor House and on May 10, 2016, Council approved K-1516-72 with Central Contracting Services, Inc., in the amount of \$342,712 for the West Main Street Drainage Project.

Mr. Clink said a component of the West Main Street Drainage Project consists of the relocation of approximately twenty-six feet (26') of 12 inch public water line located in the public right-of way (ROW) along West Main Street. During the design phase of the drainage project, this portion of the 12 inch water line was identified to be in conflict with the proposed stormwater box culvert. In an effort to minimize the construction impact on Arbor House Assisted Living Center, the water line relocation will be done simultaneously with the construction of the stormwater pipe line system. Combining these construction activities provides the means to compress the overall construction time in the vicinity of Arbor House Assisted Living Center.

Item 2, continued:

Mr. Clink said the existing 2 inch public water line was installed in 1983 and a combination of age and soil conditions has contributed to the deterioration of the water line. He said as a result of the deterioration, Staff has experienced a greater number of unexpected repairs and maintenance costs.

Mr. Clink said in an effort to reduce some of the re-occurring repairs associated with the existing water line, the Norman Utilities Authority (NUA) has requested replacement of approximately six-hundred (600) feet of the 12 inch water line, including the water line to be relocated under the new stormwater pipeline. He said by replacing the entire 600 foot section as one project, rather than in smaller sections, the integrity of the water line will be improved and the total cost will be reduced.

Mr. Clink said Change Order No. One to K-1516-72 has been negotiated with the contractor in the amount of \$42,154.40. He said the NUA/Water Utility has made funding available for the replacement of this additional water line and requesting that those funds be transferred from Project WA0184, Water Distribution System, Construction (031-9360-462.61-01), to Project DR0012, Miscellaneous Water Projects, Construction (031-9395-462.61-01).

Mr. Clink said Staff recommends approval of Change Order No. 1 increasing Contract K-1516-72 with Central Contracting Services, Inc., by \$42,154.40 and further recommends transferring the monies between the Water Utility accounts as discussed above.

Mayor Miller said the proposed water line replacement was found after the project began and the contractor is giving the City a reduction on the materials to replace a deteriorated water line since he is already working on the project. Mr. Clink said that is correct. Councilmember Allison asked whether the entire project was getting reduced rates on the water line materials and Mr. Clink said only on the additional 600 feet of the 12 inch water line.

Councilmember Hickman asked whether the Change Order No. One would be paid for out of the Water Fund and Staff said yes. Councilmember Castleberry felt since the street is already demolished, now is the time to make additional replacements and/or repairs to the water line.

Items submitted for the record

1. Change Order No. One to Contract K-1516-72
2. Location Map for West Main Street Drainage Project

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Item 3, being:

**CHANGE ORDER NO. TWO TO CONTRACT K-1516-80 WITH CENTRAL CONTRACTING SERVICES, INC., INCREASING THE CONTRACT AMOUNT BY \$226,360 FOR A REVISED CONTRACT AMOUNT OF \$1,993,390 AND ADDING 30 CALENDAR DAYS TO THE CONTRACT FOR THE BERRY ROAD WATERLINE REPLACEMENT PROJECT, PHASE 3.**

Mr. Chris Mattingly, Capital Projects Engineer, said on February 23, 2016, the Norman Utilities Authority (NUA) approved Contract K-1516-80 with Central Contracting Services, Inc., in the amount of \$1,470,680 for the construction of the Berry Road Water Line Replacement Project, Phase 3. He said Phase 3 construction includes

Item 3, continued:

about 5,300 linear feet (LF) of 16 inch water line from Main Street to Robinson Street and will also replace the westernmost lane of Berry Road.

On May 10, 2016, the NUA approved Change Order No. 1 to Contract K-1516-80 replacing approximately 1,800 feet of deteriorated 12 inch Ductile Iron Pipe (DIP) water line with a 16 inch Poly Vinyl Chloride (PVC) water line along the south side of Main Street between Berry Road and Flood Avenue.

Mr. Mattingly said Change Order No. 2 to will add replacement of an additional 1,200 feet of deteriorated 12 inch DIP water line with 16 inch PVC water line along the south side of Main Street between Flood Avenue and Park Drive. He said additionally, approximately 500 feet of an 8 inch water line on the east side of Flood Avenue between Main Street and Gray Street. Mr. Mattingly said Change Order No. 2 will also increase the contract time by 30 calendar days to allow completion of the additional work and the completion date will be February 26, 2017.

Mr. Mattingly said Staff is recommending that NUA approve Change Order No. 2 to Contract K-1516-80 with Central Contracting Services, Inc., increasing the contract amount by \$226,360 from \$1,767,030 to \$1,993,390 as well as approve a 30 calendar day time extension for the Berry Road Water Line Relocation Project, Phase 3.

Councilmember Karjala said this project is in her Ward (Ward 2) and the street(s) have been torn up for a very long time. Mr. Mattingly felt the work included in Change Order No. 2 would be completed by January 2016. Mr. O'Leary, Public Works Director, said only partial patches on the street will be torn up and there will not be any "new" concrete torn up for this project. He said this work needs to be done in order to prevent the pavement from being ruined by a water line break. Mayor Miller felt the City and Staff is trying their best to accommodate the different and various citizen requests for the all the projects in this area.

Councilmember Hickman said in several locations on McGee and/or Wiley the street has been cut and replaced with gravel. He asked Staff when those areas will be repaired and Mr. Clink said the City is in the process of lowering the water lines in those areas in anticipation/preparation for the stormwater drainage boxes that will be installed for the Lindsey Street Project. Mr. Clink said as the water line(s) are being lowered, gravel is being placed in order to reopen the street(s) and the contractor will make temporary patches as time permits. He said permanent repairs to the temporary patches will be done after the stormwater drainage boxes are installed. Mr. O'Leary said this is another example that gives the appearance that the streets are being torn up more than once; however, they are not. Mr. O'Leary said flyers were placed on the area resident's doors before work began and Staff will continue to assist the citizens as much as possible through these projects. Councilmember Karjala suggested Staff put information on the City's website and/or other social media as well.

Items submitted for the record

1. Change Order No. One to Contract K-1516-80

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Item 4, being:

#### DISCUSSION REGARDING THE USE OF BODY CAMERAS FOR THE POLICE DEPARTMENT.

Mr. Keith Humphrey, Police Chief, said the last three (3) years Staff has discussed the use of body cameras for the Norman Police Department (NPD) and tonight's presentation will include the discussion process, policies, operational expectations, and transparency to the community. He said there will be a plan for a future Community Forum and literature regarding the implementation of the body camera program will be available on the City's website. Chief Humphrey said deployment of the body camera system will be no later than mid-January, 2017.

Item 4, continued:

Mr. Brent Barbour, Police Lieutenant (Lt.) highlighted the project history and timeline as follows:

- 2012-2013: Project research began and Council funded the project with Public Safety Sales Tax (PSST) funds;
- 2014: Start of review and selection of the first system;
- 2015 Selection of initial system; notified vendors buy out; contract determined to be invalid; and start of selection of current system; and
- 2016: Selection of current system and purchase of system. WatchGuard Vista was unanimously selected as the Body Worn Camera solution and the NPD will complete a contract, purchase and install the system; conduct employee training, as well as hold public outreach and community forum(s); and
- 2017: Deployment of the body camera system in Mid-January, 2017.

Lt. Barbour said seven (7) systems were submitted in response to the Request for Proposal (RFP). He said a Staff committee reviewed and selected three (3) systems for testing and completed static and administrative testing. Field testing officers were trained and used the systems for three (3) weeks on different shifts. Daily feedback from the testers were sought and provided as well as anonymous surveys that were completed by testers. He said the Staff committee reviewed the input and testing results and combined all the factors to make a recommendation. The Staff committee unanimously selected WatchGuard Vista as the body camera solution for the NPD.

Lt. Barbour said WatchGuard is based in Allen, Texas, and is the world's largest manufacturer of law enforcement video systems, supplying in-car and body worn cameras along with evidence management software to nearly a third of all Law Enforcement agencies in the United States and Canada (over 6,000 agencies).

The WatchGuard Vista cameras are certified mil-spec protection; have a 130 horizontal field of view; lens that rotates vertically 40 degree vertical change; have 32 Gigabytes (GB) storage capacity and High Definition (HF) recording time to equal nine (9) hours (720p); weighs 5.3 ounces and is 3" H x 1.9" W x 1.3" D; the system can pre-record; and includes multiple mounting options to include clip, belt, mole, and/or magnet. Lt. Barbour said although the WatchGuard cameras are a little bigger than others, they perform much better and the magnet mounting option was preferred by officers that tested the cameras.

Lt. Barbour said the WatchGuard cameras have a docking system; evidence management software; data is stored locally; no fault warranty; and many future add-on options are available, e.g., audio, which the City chose not to include primarily due to privacy reasons.

NPD has specific policies related to the use, release, retention, and operation of the cameras and State statutes have state laws related to the release of government documents as well as material including specific statutes related to police video. Lt. Barbour said the NPD policy – activity of an A/V recorder – is not intended to describe every possible situation in which the recorder should be used, although there are many situations where its use is appropriate. Officers should activate the recorder anytime the officer believes it would be appropriate or valuable to record an incident. He said the following are situations when a recorder should be activated:

- a) All enforcement and investigative contacts including stops and field interview situations;
- b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdictions stops;
- c) Self-initiated activity in which an officer would normally notify Communications Division; and
- d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

Item 4, continued:

Councilmember Hickman requested clarification on item “c” and Lt. Barbour said one example might be if an officer sees a suspicious person walking down the street and the officer self-initiates contact versus Police Dispatch requesting an officer to check on a suspicious person walking down the street.

Lt. Barbour said officers should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the officer that such privacy may outweigh any legitimate law enforcement interest in recording. He said requests by members of the public to stop recording should be considered using this same criterion and recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording. Lt. Barbour said at no time is an officer expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media; however, the recorder should be activated in situations described above as soon as practicable.

Lt. Barbour said recordings will be retained in accordance with the following standard(s) and then purged from the data management system(s); therefore, not available for release:

- General contacts, traffic stops, traffic collisions will be retained for minimum of 90 days;
- Arrests, use/display of force, evidence, pursuits, incidents involving allegations of misconduct, and incidents pending criminal or civil legal action will be retained for a minimum of 90 days and until necessary holds have been released by the appropriate source(s); and
- Recordings may be reviewed and retained for necessary training.

Lt. Barbour said when preparing written reports, officers should review their recordings as a resource; however, officers shall not retain personal copies of recordings. He said officers should not use the fact that a recording was made as a reason to write a less detailed report.

Lt. Barbour said under the Oklahoma Open Records Act all recordings are generally open records and available for release except those recordings showing the following:

- Death/great body injury (Law Enforcement (LE) exception);
- Nudity;
- Identifies anyone under 16 years of age;
- Non-public Medical information;
- Mental health evaluation or treatment (detention or transportation);
- Personal identification if not arrested or cited (name and tag exception);
- Would identify victims of sex crimes or domestic abuse;
- Confidential informants (CIs)/citizen request/physical or material danger of citizen; and
- Ongoing Investigations/Internal Affairs (IA) cases.

Lt. Barbour said due to concerns that some recordings may infringe on reasonable privacy rights and/or safety concerns of those involved, the following recordings will not be released unless required within state law:

- Within a private residence;
- Within a medical facility, hospital, office, ambulance, or clinic;
- Within any secured facility where public is not normally allowed; and
- Any situation where tactical information is discussed or disclosed.

Item 4, continued:

A supervisor's reviews may include the following:

- Investigations of alleged misconduct,
- Reviewing uses of force;
- Completing early intervention reviews;
- As part of a performance improvement plan/field training; and
- Review one to three recordings during required quarterly reviews.

Councilmember Hickman asked whether the NPD has considered an independent audit to periodically and randomly review the recorded media from the cameras and Lt. Barbour said the Internal Affairs Division within the NPD has and will do reviews when requested. Chief Humphrey said the IA Division recently was restructured to include a check and balance system separate of patrol. Councilmember Castleberry said from a check and balance system, should an outside group conduct review(s) rather than an internal division within the NPD and Chief Humphrey said that is not industry standard. Chief Humphrey said one issue would be if some of the reviews contained confidential material. Councilmember Castleberry said he does not believe a Citizen's Committee needs to be formed but rather the City Attorney's Office could conduct review(s) if and when needed.

Councilmember Castleberry asked what would happen to an officer who violates the policies, i.e., does not turn on his camera, etc., and Chief Humphrey said, as addressed earlier, no officer is expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. Chief Humphrey said the incident would be reviewed and determined if the violation was intentional or unintentional and said any disciplinary action taken would be taken based on the incident. He said officers must write in the report why the camera was off and/or turned off. He also reminded Council that all the police officers currently wear audio recorders now.

Councilmember Holman said he is concerned with this issue as well and said there are numerous examples across the country when the cameras were not turned on and/or turned off intentionally. Chief Humphrey felt Norman cannot be compared to Albuquerque, New Mexico or even Henrietta, Oklahoma and stated Norman police officers conduct themselves in a moral and professional manner and if there ever was a concern the discipline would be very severe. He said there is an audio recording solution already in place and his officers have been very diligent in utilizing the audio recording equipment with high levels of integrity. Chief Humphrey said he is very confident that his officers will follow and comply with the policies and procedures that are put in place after discussing with the City Manager, Police Union, etc.

Councilmember Clark asked whether the cameras can be turned on remotely and Lt. Barbour said no, not with the current system; however, they can be expanded to include a WIFI option. She asked about the three year replacement option stating camera systems will continue to evolve; therefore, when does Staff feel like the system will need to be replaced and/or upgraded. Chief Humphrey said every three to five years is standard; however, the quality of the cameras is of the highest quality. Councilmember Clark asked if upgrades are typically an annual event and Staff said yes.

Councilmember Allison asked if the infrastructure would need to be replaced every three to five years or just the cameras. Staff said upgrades are usually compatible and only new cameras would need to be replaced. Chief Humphrey said this is one of the very reasons WatchGuard Vista was selected. Councilmember Allison asked how many cameras are needed for the NPD and Chief Humphrey felt 75 cameras would be sufficient.

Councilmember Hickman asked whether protection measures are in place after the cameras have been downloaded, i.e., who can open, look, and/or possibly edit the videos. Lt. Barbour said there are restricted and security level tiers that include individuals who can only look at the data versus individuals who can download the data.



Item 4, continued:

Lt. Barbour said the NPD use the recording devices to be professional and show transparency; for officer safety; for the judicial processes and evidence collection; and training. He said the cameras help with human limitations such as divided attention/unintentional blindness and memory distortion (perception is key). Lt. Barbour said approximately 81% of officers have at least one perceptual alteration during a critical incident, i.e., 60% slow/20% speed up. He said peripheral vision loss is also a human limitation i.e., human focuses on point 15 degree view and the cameras capture 130 degrees. The human eye takes five (5) minutes to adjust from light to dark versus five (5) seconds for the cameras; furthermore, it takes one (1) minute for the human eye to adjust from dark to light versus the camera which varies but is slow.

Lt. Barbour highlighted the mechanical limitations and the limitations of all recording devices and he said the limitations are related a lot to the human brain process. He said video does not capture the perspective, focus history or intent of an officer and the camera never sees an event from the same perspective as a human. He said due to time constraints, i.e., Council meeting begins at 6:30 p.m. this evening, these topics will be addressed in more depth during the public meetings.

Items submitted for the record

1. PowerPoint Presentation entitled "*Norman Police Department, Body Worn Cameras,*" dated October 2016

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The meeting adjourned at 6:28 p.m.

ATTEST:

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City Clerk

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Mayor