

CITY COUNCIL CONFERENCE MINUTES

January 8, 2013

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:00 p.m. in the Municipal Building Conference Room on the 8th day of January, 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 24 hours prior to the beginning of the meeting.

PRESENT:

Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal

ABSENT:

None

Item 1, being:

DISCUSSION REGARDING CENTRAL OKLAHOMA MASTER CONSERVANCY DISTRICT'S IMPOSITION OF A 10% WATER ALLOCATION REDUCTION AND RELATED WATER CONSERVATION MEASURES.

Mr. Ken Komiske, Director of Utilities, highlighted Oklahoma drought conditions – from 1895 to 2011, U.S. seasonal drought outlook through March 31, 2013, and the Central Oklahoma Master Conservancy District (COMCD) trends for Lake Thunderbird level from May 2003 to present. He said it is predicted that Norman will have another record low rainfall in 2013, which will make three consecutive years of below average rainfall. Mr. Komiske said the drought outlook for Norman is that it will persist or intensify; therefore, the pool elevation for Lake Thunderbird will likely continue to drop.

Mr. Komiske said COMCD regulates Lake Thunderbird reservoir and the above mentioned concerns prompted Mr. Randy Worden, COMCD General Manager, to send a letter to the City of Norman, and the Cities of Del City and Midwest City which stated effective January 1, 2013, the District would impose a ten percent (10%) reduction of each cities' allocation and further reductions may be forthcoming in the next several months depending on rainfall received and declining lake elevations.

COMCD has been pushing federal legislation to allow the importation of non-project water into Lake Thunderbird for the last three (3) years, which passed in the House of Representatives and was forwarded to the Senate. COMCD is not certain the bill will pass and, if not, they plan to start over again with the same language to hopefully get it passed in the next session. Without authorization to import water into Lake Thunderbird, the options for additional water supplies are few.

COMCD completed a water reuse feasibility study in 2012 that investigated several options for reusing water to include treating effluent and/or water from the Canadian River and discharging into tributaries of Lake Thunderbird, as well as addressing several non-reuse options e.g., constructing a pipeline from an existing and/or new reservoir and connecting it to Lake Thunderbird. Each of the options have multiple issues, i.e., Department of Environmental Quality (DEQ) approval, public education/buy in for reuse options, and very costly and time consuming for non-reuse options. COMCD anticipates that the earliest a project could be implemented is two years for reuse options, if everything goes well, 10 to 15 years in the future for new reservoir construction, and two to four years for a pipeline project for non-reuse options.

COMCD's letter stated the most timely and least expensive alternative would be to implement water conservation programs to assist with extending the water supply and the implementation of conservation programs could begin immediately with additional steps phased in as necessary. Reducing consumption is critical to sustaining Lake Thunderbird through an extended drought.

Item 1, continued:

COMCD will consider the rainfall and lake elevation data monthly and determine if further reductions should be implemented. The District will work to determine at what rate each city's water delivery should be set and the delivery rate will be communicated to each city so that it can plan accordingly.

Mr. Komiske highlighted the City of Norman Water Conservation Plan (WCP) 2011, including the Drought Contingency Plan adopted by Resolution No. R-1011-123 on May 31, 2011. He summarized the WCP, including the triggers and goals for each stage. Stage 1, Voluntary Mandatory; Stage 2, Moderate Mandatory, and Stage 3, Severe Mandatory. Mr. Komiske highlighted the 2012 and 2011 total water usage for Norman and said 66% of Norman's water source is from Lake Thunderbird. He said the typical winter residential usage is 6,200 gallons per month, but in order to reach a 6.6% reduction (10% of 66% from Lake Thunderbird water source), each person (not household) would need to save five (5) gallons of water per day. The following suggestions are ways to accomplish this.

- Reducing one (1) load of laundry per week (approximately 40 gallons per load)
- Reduce shower time by one (1) to two (2) minutes
- Turn off the faucet while shaving
- Turn off the faucet while brushing teeth
- EPA "water sense" label on items saves up to 20% of water use
- Gray water usage

Mr. Komiske asked Council which WCP Stage they prefer to implement and said any of the Stages can be tweaked to make water conservation easier for citizens and/or Staff. He said information/education regarding WCP implementation can be placed in customer's water billing, in the newspaper, website, and/or on Channel 20.

Councilmember Spaulding asked if an immediate 10% reduction would lessen the stress load for the upcoming summer and Mr. Komiske said water conservation now may not save and/or solve summer issues, but it will slow the dropping of Lake Thunderbird levels. Mr. Komiske said implementing a WCP at this time will allow Norman's water customers to get into the trend of saving water because the drought may worsen as summer (and higher temperatures) approaches.

Councilmember Kovach asked if outdoor landscape watering was beneficial in the winter and Mr. Jud Foster, Director of Parks and Recreation, said although not as much water is needed for outdoor landscaping in the winter versus the summer; the watering in the winter does help to grow/establish the root system for trees, shrubs, grass, and landscaping, etc. Councilmember Kovach asked if Council chose to implement "no new planting" would that include the trees that are to be planted in Rotary and Monroe Parks and Mr. Foster said not necessarily because Staff would avoid planting during the hot summer anyway.

Councilmember Griffith felt it is not unreasonable for Norman to begin mandatory odd/even watering now with no watering on Wednesday or Thursday so that the City does not have to implement more extreme measures as the drought continues. Councilmember Kovach agreed stating the drought could possibly continue for a few more years and the City needed to help citizens get used to the idea of conserving water now rather than later.

Councilmember Jungman favored mandatory water conservation, i.e., odd/even watering, etc., and asked how new customers and/or new lot(s) in sub-divisions would fit into the 10% reduction equation. Mr. Komiske said residential customers do not add that much water consumption compared to commercial or industrial customers. Mr. Komiske said the City certainly does NOT want to discourage people or businesses from moving to Norman, but this issue will need to be discussed further and placed into the equation.

Item 1, continued:

Mayor Rosenthal said she is supportive of mandatory water conservation *now* and felt it would help ease the citizens into water conservation and more importantly, alert citizens who are thinking about making a major landscaping investment

as well as businesses who plan to stock their shelves with landscaping materials. She said the City needs to modify the WCP, Stage 3, to reflect drought circumstances rather than only summertime water usage. Mayor Rosenthal felt the City needed to look at all options to provide suggestions and educate customers on how to conserve and reduce water consumption. Mr. Komiske agreed and felt the community as a whole is ahead of the water conservation curve.

He said when providing water conservation education to Norman's citizens, information about what the City has done/implemented to assist with water conservation should be included, i.e., giving away rain barrels and conducting rain barrel workshops, building a pond at Griffin Park to irrigate the fields, drilling irrigation wells at Westwood Golf Course, and using reclaimed water at the Wastewater Treatment Plant.

Councilmember Williams asked if Department of Environmental Quality (DEQ) and/or Environmental Protective Agency (EPA) require dust control on construction sites, and, if so, can the City implement Stage 3, Severe Mandatory, on construction sites. Mr. Komiske said Staff would research this further, but felt dust control is more of an esthetic piece for surrounding neighborhoods/residents. He said a requirement for Stage 2, Moderate Mandatory, also recommends no new landscaping, including developers, and the Planning and Community Development Department has given variances to the builders letting them know they do not have to plant trees and/or shrubs in order to meet current requirements – it can be done at a later time after the drought. Mr. Komiske said this would need further discussion as the City is only trying to implement water conservation, not trying to put developers/builders/industries out of business. He said if the City uses less of the Lake Thunderbird allocation at this time, the City would have more allocation at a later time, but with the declining slope it is hard to predict, i.e., lake levels, summer temperatures, and the on-going drought.

Councilmember Castleberry suggested incentive programs for citizens who use gray water for irrigation, etc., and Councilmember Kovach said the City could look at giving new development/neighborhood incentives if gray water irrigation systems are installed. Councilmember Kovach said it would not only conserve water but assist with storm water run-off as well.

Councilmember Castleberry asked whether or not the City could change the inverted structure and Mr. Komiske said the City of Norman currently has a strong inverted block rate, i.e., the more water used – the more expensive it will cost. Mayor Rosenthal said if the drought continues the City may need to look at modifying the rate structure which would have to go to the vote of the people.

Mr. Steve Lewis, City Manager, said each COMCD member city, i.e., Norman, Del City, and Midwest City, has an allocation of Lake Thunderbird and Norman's growth has outpaced some of the other communities; consequentially those communities have more surplus water than Norman. He said the City of Norman has entered into informal discussions with the City of Del City to determine if Norman will have an opportunity to use some of their un-allocated water resources. Currently the discussion is with COMCD, Norman, and Del City and if an agreement is reached, all three governing bodies would have to approve. Mr. Lewis said Del City is interested in assisting Norman, but not at a detriment to the Del City community. Therefore, agreements and/or provisions would be made to protect Del City should they have an interruption in their water well system. Mr. Lewis said the agreement would be a short-term duration, approximately five (5) years – possibly a little longer, but would allow the City of Norman to raise its current allocation of Lake Thunderbird. He said hopes are to come back to Council with progress of an agreement in the very near future. Mayor Rosenthal said Del City is heavily dependent on deep water wells as their main water supply, which is partly the reason they do not use their full allocation. Mr. Lewis wanted to be clear that Norman is not trying to acquire Del City's water rights but rather "rent" water for a short period of time from Del City by using some of their surplus allocation.

Item 1, continued:

Councilmember Spaulding once again suggested looking at the red cedar tree issue because they use so much water not only in and around Lake Thunderbird, but water wells, and aquifers. Mayor Rosenthal said that could certainly be an issue addressed in public education, i.e., if a person has red cedars on their property this may be an opportune time to have the red cedar trees removed.

Councilmember Kovach felt the City should hope for the best but prepare for the worst in terms of the drought and look at solutions that would help Norman get through a longer drought period, especially if a larger water reduction is required in the future. He said a long term water study could focus on some shorter solutions for Norman such as possibly drilling more water wells.

Councilmember Gallagher asked if the City generally pulls the majority of water in the wintertime from City water wells rather than Lake Thunderbird and Mr. Komiske said no. Mr. Komiske said for the past 10 years Norman has overused its Lake Thunderbird allocation and the City has made a strong effort in the past three (3) years *not* to overuse the allocation by balancing use of water wells versus Lake Thunderbird so that Norman could use Lake Thunderbird during the summertime.

Councilmember Gallagher asked how many arsenic water wells could be put on-line with treatment and Mr. Komiske said the City has approximately 10 to 12 arsenic wells that do not meet the potable water quality. These are the same wells that were used in 2005, but the regulations changed in 2006 thus demanding the water wells be taken off-line. He said if the City decided to use the same water wells from 2005 the City would need to send a public notice to all the citizens and it is not clear what DEQ or EPA would say about knowingly using a water source that is non-potable. Mr. Komiske said the City is/has been treating one (1) City water well for arsenic, but it is more expensive to treat arsenic wells than it is to treat lake water. He said as part of the Strategic Water Supply Plan one long-term solution the City is looking at is to just use all the City's water wells and treat all the water at a *water well only* Water Treatment Plant, but that would cost a lot of money.

Mr. Komiske said money was placed in the budget to treat three (3) arsenic wells, but soon thereafter the chromium issue came up. Treating wells for arsenic does not necessarily remove the chromium because they are two (2) different metals; therefore, Staff is hesitant to put millions of dollars into treating arsenic only to have the EPA state there is still a chromium issue and the wells just treated for arsenic are not going to work out. Mr. Komiske said no wells are being treated currently for chromium because the City is meeting all the existing regulations.

Councilmember Gallagher asked about leaks and said Staff indicated a couple of years ago the City lost approximately one million gallons of water per day and asked how that issue is progressing. Mr. Komiske said one million gallons of unaccounted water over the City's 540 miles of pipe is actually not that much when gallons per mile are taken into consideration. Staff has done an excellent job and the unaccounted water, i.e., repairing leaks, replacing water lines, etc., in Norman is much lower than current industry standards and Norman is actually down to seven or eight percent of unaccounted water. He said that percentage is very good, but the possibility of improvement certainly exists. Councilmember Gallagher asked how much water the University of Oklahoma (OU) takes from the City and Staff said 600,000 gallons per day. Councilmember Gallagher asked whether OU will be requested to reduce their water consumption supplied by the City and Staff said yes.

Mayor Rosenthal felt the overall consensus of Council is to implement Stage 2 – Moderate Mandatory water conservation and requested the Oversight Committee look at the issue of modifying the Conservation Policy for drought conditions. She suggested the Finance Committee re-examine the City's current rate structure if the drought and/or water conservation measures continue.

Item 1, continued:

Items submitted for the record

1. PowerPoint presentation entitled, "Water Conservation," January 2013
2. City of Norman Water Conservation Plan 2011
3. Letter from Mr. Randy Worden, General Manager, Central Oklahoma Master Conservancy District, to Mark Edward, City Manager, City of Del City; Guy Henson, City Manager, City of Midwest City; and Steven D. Lewis, City Manager, City of Norman, dated December 27, 2012

Participants in discussion

1. Mr. Ken Komiske, Director of Utilities
2. Mr. Chris Mattingly, Utilities Superintendent
3. Mr. Steve Lewis, City Manager

Item 2, being:

DISCUSSION OF LEGACY PARK CONSTRUCTION BIDS.

Mayor Rosenthal said the Legacy Park construction bids need to be discussed and direction given to Staff so it may be placed on the January 22, 2013, Council agenda before the bids expire. Mr. Jud Foster, Director of Parks and Recreation, highlighted the Legacy Park construction bid process stating the project bids were opened November 20, 2012, and the engineer's estimate for the base bid was \$6,018,500 with an additional \$1,897,160 for alternate items for a total bid estimate amount of \$7,915,660. He said the City received five (5) bids total with the lowest bid from CGC, L.L.C., in the amount of \$5,525,900 for the base bid with an additional \$1,495,000 for alternates for a total bid amount of \$7,020,900. Mr. Foster said the bids were extended to January 31, 2013, and it is important to get a contract awarded before the bids expire as well as before new price increases go into effect on contractor supplies.

Mr. Foster highlighted project bid alternates as follows:

1. Stage Railing at east side pond edge	\$ 35,000
2. Added walking trail landscape plantings and sod	\$ 35,000
3. Added walking trail sidewalks	\$ 65,000
4. Added walking trail benches and trash receptacles	\$ 38,000
5. Added walking trail lighting	\$ 120,000
6. Amphitheatre seat wall light	\$ 36,000
7. Stage floor light fixtures	\$ 7,000
8. Decorative light fixtures at entry	\$ 12,000
9. Pole fixtures (14')	\$ 102,000
10. Decorative light fixtures	\$ 23,000
11. Cascading water features	\$ 865,000
12. Green screen portals	\$ 27,000
13. Lower arbor sections (west)	\$ 130,000
14. Glass block in restroom	\$ - 0 -
TOTAL	\$1,495,000

Mr. Foster said the bid results were presented to the Tax Increment Finance (TIF) Development Oversight Committee with Council comments from their December 18, 2012, meeting were discussed regarding alternates two (2) through five (5) (listed above). He said the TIF Development Oversight Committee felt the alternate improvements for items 2-5 would be nice to have but suggested deferring them until later in the project. Mr. Foster said the TIF Development Oversight Committee also had concerns about the location of the restrooms relative to the distance from the stage area and Staff, along with the project engineers, continues to explore options of relocating the restroom building. He said the location of the restroom building is limited because of the where the sanitary sewer line can be placed due to the

Item 2, continued:

area being a very tight site in terms of grading and sewer well capacity. Mr. Foster said it is possible to relocate the sanitary sewer line 80 to 100 feet to the south which would put it next to the restaurant site and therefore may not be recommended as a good choice.

Mr. Foster said alternate items two through five are improvements around the detention pond and have a total cost of \$258,000 which have been taken out of the original bid, therefore bringing the revised alternate items to \$1,237,000 for a total revised bid of \$6,762,900.

Mr. Foster highlighted the Legacy Park Construction and 24th Avenue Intersection improvements as follows:

▪ Construction Bid with Alternate Items (except 2 through 5)	\$ 6,762,900
▪ Rebid Cost, Construction Project Oversight and Testing	\$ 164,068
▪ Legacy Park and 24 th Avenue Intersection Contract	<u>\$ 678,370</u>
TOTAL	\$ 7,605,388

Councilmember Kovach asked how much it would cost to make the water in the main pond programmable so it could be set to music and/or a concert. Mr. Scott Howard, Fairbairn Site Design, Inc., said he would need to check with the water feature consultant to find out the additional cost. Councilmember Kovach said he would like to know the cost upgrade for the center/main pond and hopefully it would come in less than the two side water features that would honestly be more of a distraction from the main feature.

Councilmember Jungman requested explanation for alternate item #11 – cascading water feature, stating the \$865,000 is a bit of a sticker (price) shock and Mr. Howard said the cascading water features will be clad in stone on the pond side while the upper pool water will bubble out of a series of 20 to 30 cylindrical acrylic tubes, each having LED fixtures that allow color changing as well as being different diameters and heights. Mr. Howard said the upper pool will have glass tile lining and will include motion of the water coming out of the tubes, spilling over the cascading feature having an appearance of flowing into the big pond but actually will not because the two are separate. Councilmember Griffith asked if there are water fountains in the upper level pool and Mr. Howard said yes. Councilmember Jungman asked the elevation drop from the top to the bottom and Mr. Howard said about three feet.

Mayor Rosenthal agreed that the cascading water feature is very costly especially when thinking about the investments made in other City parks, but she did not object to making some of the water features a little more dramatic in the center of the pond. She felt the money savings are essentially savings from the Rock Creek Bridge and asked if the savings could be devoted to cultural facilities rather than an \$865,000 aesthetic water feature.

Councilmember Williams asked what would take the place of the cascading water feature if it was not placed in the park and Mr. Howard said more plaza space. Councilmember Jungman asked the distance between the corner of the proposed water feature and the corner of the planter located in the plaza and Mr. Howard said approximately 12 to 15 feet, easily enough room for pedestrian pass-through. Mr. Howard said that particular area would be opened up if Council decided not to have the water feature.

Councilmember Jungman said he would like alternate item #2 added back to the bid because he felt the additional landscaping would “hide” the back side of the Academy store, as well as give a buffer from the Interstate 35. He felt the additional landscaping will enhance Legacy Park and Mayor Rosenthal said she is supportive of landscaping in the right-of-way, but felt it could be added at a later time. Mayor Rosenthal suggested planting trees closer together in order to gain the dramatic visual impact of the trees rather than having to wait 20+ years for them to grow.

Item 2, continued:

Councilmember Castleberry said if there is excess savings on the Legacy Park Project the alternate items could be added later.

Council consensus was to move forward with the contract and alternates 1, 6 through 10, and 12 and 13; not including items 2, 3, 4, 5, and 11. Mr. Foster said Staff will explore options regarding increasing the effectiveness of the main pond fountain which can be added later as a change order to the contract.

Items submitted for the record

1. PowerPoint presentation entitled, "University North Park Legacy Park Review of Construction Bid," resented by Jud Foster and Scott Howard, dated January 8, 2013

Participants in discussion

1. Mr. Jud Foster, Director of Parks and Recreation
2. Mr. Scott Howard, Fairbairn Site Design, Inc.
3. Mr. Rick McKinney, McKinney Partnership

The meeting adjourned at 6:05 p.m.

ATTEST:

City Clerk

Mayor