

CITY COUNCIL CONFERENCE MINUTES

July 14, 2020

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a virtual conference at 5:30 p.m. in the Municipal Building Council Chambers on the 14th day of July, 2020, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Bierman, Foreman, Hall, Holman, Peacock, Perry, Petrone, Wilson, Mayor Clark
ABSENT:	None

Item 1, being:

CHANGE ORDER NO. ONE TO CONTRACT K-1920-123: WITH JORDAN CONTRACTORS, INC., INCREASING THE CONTRACT AMOUNT BY \$92,329 FOR A REVISED CONTRACT AMOUNT OF \$462,434 FOR THE FYE 2017 SEWER MAINTENANCE PROJECT, PHASE 2.

Mr. Nathan Madenwald, Capital Projects Engineer, provided background on the FYE 2017 Sewer Maintenance Project (SMP17). He said in 2001, citizens approved a five dollar per month sewer maintenance fee to provide for systematic replacement of aged and deteriorating neighborhood sewer lines. After extensive study by the Sewer Line Maintenance and Utilities Engineering Divisions, the sanitary sewer lines within the SMP17 study area were determined to require rehabilitation or replacement, repair, or no action due to the pipe and appurtenances being in good condition. The SMP17 study area is generally bounded by Cavecreek Street to the north, Porter Avenue to the west, Rock Creek Road to the south, and 12th Avenue N.E. to the east. The project will replace 28,500 feet of old sewer mains and rehabilitate or replace 161 manholes. He said the selected contractor generally installs high-density polyethylene (HDPE) sewer pipe primarily using the pipe-bursting technique. This technique allows long lengths of joint-less HDPE piping to be pulled into the old pipe at manholes as it is expanded with the bursting tool and house sewer service connections are then re-connected to the new pipe. He said this project will affect approximately 455 private residences.

Mr. Madenwald said the 15-inch sewer line replacement project alternate bid was determined to be too high and was rebid as Phase 2 and those bids were opened on April 9, 2020, and awarded to Jordan Contractors, Inc., as the lowest bidder. On April 28, 2020, the Norman Utilities Authority (NUA) awarded the contract to Jordan Contractors, Inc.

Mr. Madenwald said after further inspection, it was determined that approximately 650 feet of 15-inch sewer lines to the north end of the project needed to be replaced and connected to a newly installed interceptor and three additional manholes needed to be rehabilitated. He said Change Order No. One will provide the additional 650 feet of sewer pipe as well as the additional manholes and will extend the contract date by 30 calendar days for an additional cost of \$92,329 for a revised

Item 1, continued:

contract amount of \$462,434. He said allowing the existing contractor to do the work will reduce the impact to the residents and save on costs by not requiring a future contractor to complete the work and disturb the area.

Items submitted for the record

1. Text File K-1920-123, Change Order No. One, dated June 29, 2020, by Nathan Madenwald, Capital Projects Engineer
2. Amendment No. One to Contract K-1920-123 with product description and costs
3. Location map

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Item 2, being:

DISCUSSION REGARDING RESOLUTION R-2021-12 APPROVING THE JUNE 28, 2018, WEIGHTED VOTING AMENDMENT TO THE AGREEMENT CREATING THE 9-1-1 ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS INCLUDED IN COUNCIL'S REGULAR AGENDA FOR JULY 14, 2020.

Mr. Russell Anderson, Communications Manager for the City of Norman, said amendments to the current agreement with the Association of Central Oklahoma Governments (ACOG) creating the 9-1-1 ACOG requires a majority vote of the quorum of the Board of Directors at any meeting, ratification by resolution from the majority of the member governments, and approval by the Attorney General of Oklahoma. The oversight of not pursuing member ratification of the recently weighted voting amendment to the 1988 agreement means this important step is needed in order to legally complete the required amendment process. The previous weighted vote was based on the number of landlines located in each local government, which continues to decrease as more people switch exclusively to cell phones. The new weighted vote approved by the Board of Directors on May 28, 2020, weighs all Board Members based on population. This resolution is being presented tonight for ratification by Norman City Council.

Items submitted for the record

1. Text File R-2021-12 dated July 1, 2020, by Brenda Hall, City Clerk
2. Resolution R-2021-12

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Item 3, being:

DISCUSSION REGARDING ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$500,000 OVER THREE YEARS FROM THE UNITED STATES DEPARTMENT OF JUSTICE/COMMUNITY ORIENTED POLICING SERVICES TO BE USED BY THE NORMAN POLICE DEPARTMENT FOR THE HIRING OF FOUR SCHOOL RESOURCE OFFICERS.

Mr. John Stege, Professional Standards Administrator, said on March 10, 2020, the Norman Police Department (NPD) submitted an application requesting \$500,000 in grant funding over a three-year period, with a \$522,915 local match for hiring additional sworn career law enforcement officers specifically to fulfill the implementation of the School Resource Officer (SRO) Program described in the Public Safety Sales Tax (PSST) of 2014. This grant will allow the assignment of four SROs to rotate between 15 elementary schools in Norman with the intent of having a positive impact on elementary school-aged children by working to break the cycles that marginalize youth. Awards under this grant cover up to 75% of the approved entry level salary and fringe benefits of each newly hired and/or re-hired full-time officers with a minimum local cash match requirement of 25% and a maximum federal share of \$125,000 per officer.

On June 29, 2020, the City of Norman was awarded the grant from the United States Department of Justice/Office of Community Oriented Policing Services (COPS Office). The funds are awarded on a competitive basis and are provided directly to law enforcement agencies to hire and/or re-hire career law enforcement officers in an effort to increase their community policing capacity and crime prevention efforts. Grant recipients are required to retain each officer position awarded for at least 12 months following the conclusion of the three-year award; however, absorbing funded officers through attrition does not meet the retention requirement. Mr. Stege said funding can be used to hire new officers, which includes filling existing officer vacancies that are no longer funded in the agency's budget, and the positions must be in addition to the currently budgeted level of sworn police officer positions. He said the officers must be hired on or after the official award start date. Funding can also be used to re-hire officers laid off as a result of state, local, or Bureau of Indian Affairs budget reductions or to re-hire officers scheduled to be laid off (at the time of application) by the jurisdiction on a specific future date as a result of state, local, or Bureau of Indian Affairs budget reductions.

Mr. Stege said in accordance with the existing Memorandum of Understanding (MOU) with Norman Public School (NPS) District, SROs are specifically limited in the student disciplinary process. Instead, they work in collaboration with the NPS to seek alternatives to suspension and expulsions through diversion, counseling, and family intervention. The program uses a team-centered process designed to address the impacts of drug and alcohol abuse, domestic violence, family violence, bullying, and other social harms. It seeks to encourage the active involvement of all students in the school community. SROs pool resources with the Center for Children and Family Services and other local entities to redirect and refocus energy rather than punishing or sidelining children.

Item 3, continued:

The total program salary and benefits costs over three years is \$1,011,915 with a decreasing annual federal share. The total federal share is \$500,000 and the total local share required is \$511,915 with the local share percentage of 51% of the salary and benefits. The local share is 25% (Year 1), 35% (Year 2), and 40% (Year 3) plus any amount above the \$125,000 cap per officer. The federal share is \$199,209 (Year 1), \$158,008 (Year 2), and \$142,783 (Year 3). The local share is \$127,979 (Year 1), \$179,170 (Year 2), and \$204,766 (Year 3).

The COPS Office “non-supplanting” requirement means that an award recipient receiving grant funds to hire a new officer position, including filling an existing officer vacancy that is no longer funded in the recipient’s local budget, must hire the additional position(s) on or after the official start date.

Councilmember Petrone asked if the local share is divided 50/50 with NPS under PSST regulations and Mr. Kevin Foster, Police Chief, said that is how it should be done, but the City does not expect NPS to pay 50% for 13 officers so the grant would help both entities with costs. He said NPS has been very upfront about how much they can contribute for SROs and 50% was never the agreement.

Councilmember Petrone asked if existing SROs were reassigned to other duties when the pandemic started and schools were not in session and Chief Foster said yes, they were reassigned to patrol and generally attended training in the summer months. Councilmember Petrone said if the officers are not operating as an SRO during COVID, would the City be in violation of the grant and Mr. Stege said no.

Councilmember Holman said in 2014, there was a lot of discussion regarding a partnership with NPS and he was never under the impression the City would assume the full cost of the SRO Program. He said NPS was paying for security personnel before the SRO Program was created, but he is not sure how many security personnel they had at that time or what they paid for that security. He has always believed the Program would be a joint partnership with both entities paying 50% of the costs although there was anticipation the General Fund (GF) might need to subsidize the PSST, but not to this extent. He said the City discussed helping fund NPS if the University North Park Tax Increment Finance (UNPTIF) District was ended early because that would decrease the amount of funding the schools receive. Mr. Anthony Francisco, Director of Finance, said the 2019 amendment to the UNPTIF Project Plan included funding for the school district participation in the proposed Indoor Aquatic Center so basically there will be UNPTIF funds for the school district to pay to the operator of the Aquatic Center so swim teams from the two high schools could utilize the facility. He said that was the City’s way of making up for the funding NPS would lose if the UNPTIF ended early.

Item 3, continued:

Councilmember Holman said it was his understanding the amount NPS would be losing if the UNPTIF ended early would be the same amount it would cost the school to pay for half of the SRO Program and Mr. Francisco said to his knowledge, that was never in the agreement. Councilmember Holman said the SRO Program is the school's security and NPS should be involved in running it as well as paying their share and did not think the City could pay the entire costs.

Councilmember Wilson asked what would happen if the City did not have the funds for the federal match over the three years. She is concerned about taking on new positions in the current economic climate and continuing to pay for the new positions after the grant money is gone. Mr. Francisco said the ability to fund the grant would be under Council's purview to appropriate the funds each budget year, but if the City is unable to fund its portion, the City would be in violation of the grant contract.

Councilmember Wilson said she likes the SRO Program, but some citizens have not been supportive of the program so what is the City doing to address the public's concerns? Mr. Foster said the City cannot discuss juvenile affairs in incidents that happen at school, but he believes a majority of the public likes having SROs in the schools, but there is a small majority of citizens that have concerns about the program. He said the Professional Teacher's Association polled teachers statewide and 96% of the teachers polled want SROs in schools. Councilmember Wilson said there is some validity to the concerns voiced in the budget meeting's public hearing so she would like to see that the City is doing something significant to address the concerns voiced in the meeting.

Councilmember Bierman said in the PSST II Ordinance, it plainly states this is a jointly funded SRO Program with participating public school systems. She asked what jointly funded means and Ms. Kathryn Walker, City Attorney, said it means the City will be sharing in the funding and in the first year July 1, 2016, thru June 30, 2017, the school paid almost \$427,000. She said the contract was amended in July 2017, to increase the amount to \$648,690 annually, which is the current arrangement and that is what the school district is currently paying on an annual basis.

Councilmember Bierman asked for the total cost of the SRO Program and what NPS has been historically paying as their fair share. She asked if SRO funding can be supplemented by the GF and Mr. Francisco said any additional costs related to the PSST is an additional cost to the GF. He said the total cost of the Police Department PSST last fiscal year was \$6,519,665, which includes SRO costs.

Councilmember Bierman said she shares Councilmember Wilson's concerns about future funding of the 13 SRO positions and asked the grant timeline on filling the positions and Mr. Foster said the City has 45 days from the time of notification, which would be mid-August.

Councilmember Holman said when PSST II passed, Council did not anticipate the decline in sales tax revenue nationwide or the changing retail habits of buying online, which does not generate the sales tax revenue of brick and mortar businesses. He said the loss of brick and mortar businesses

Item 3, continued:

is not being made up for by the gain in online sales tax. He said the PSST is currently not sustainable and has to be subsidized through the already stressed GF by over \$1 million this fiscal year. He said the PSST II is voter mandated and the City has the responsibility to fill the SRO positions at some point, but the four remaining positions need to be a joint partnership between the City and NPS. He hopes the decline in sales tax revenue reverses by the time the grant expires and the PSST Fund will be able to cover all the costs.

Mayor Clark asked if the officers will be hired knowing that after three years there may not be funding for their positions and, if so, that needs to be acknowledged if the grant is accepted. She asked if the grant has flexibility to accept the funds next year instead of now and Mr. Stege said the commitment to keep the officers is four years, which includes the 12 months after the grant is accepted, and he assumes officers would be hired with the knowledge that the position could be lost after that four years; however, if there is a reduction in force over the next four years, the officers could be reassigned within the Police Department. He said in regards to flexibility, he would need to contact the COPS Office, but his understanding is that the three-year clock starts October 1, 2020. Mayor Clark asked Mr. Stege to contact the COPS Office because even deferring the grant to February 2, 2021, would be helpful as she is optimistic of progress in the pandemic. Mr. Stege said when the Police Department hires an officer, there is a minimum of nine to twelve months before they are able to perform in the school system so there is a delayed timeframe. Councilmember Foreman asked if there is a penalty if the City could not fund the program after the first year and Mr. Foster said he did not know, but would inquire.

Councilmember Bierman said the ordinance and ballot language states “to the extent feasible from the revenues generated thereby for the purposes of” and asked why that statement was included in the ballot language and ordinance. Ms. Walker said there was some recognition of that time when sales tax revenues are somewhat volatile so that language was included in PSST I and PSST II and is basically saying the City will do these things to the extent the PSST revenues are feasible. Councilmember Bierman said that is something to keep in mind when increasing GF subsidies because the City very rarely and wisely puts itself in the position of being locked in 100% on all sides and committing to something despite any circumstance that might arise. She said there will always be some flexibility built into ordinances for the exact reason of not knowing what the future holds.

Councilmember Petrone asked what elements are left other than the four officers in the PSST program that have not been funded and Mr. Foster said four SROs and two dispatchers. Mr. Francisco said there are also additional critical capital needs that have not be completed, such as the Emergency Operation Center (EOC).

Councilmember Petrone said she would like to hear from NPS regarding their thoughts on the SRO Program in light of the pandemic.

Mr. Justin Milner, Associate Superintendent and Chief Operating Officer for NPS, said the goal in regards to students returning to school is to have options for families that includes face to face teaching unless NPS receives guidance or the number of cases decrease that would change that.

Item 3, continued:

He said NPS has maintained all responsibility for paying its share of the contract even while school was out of session and SROs were redeployed in the community. He said in regards to co-funding the four new SROs, Staff has not had a conversation about that or the grant. He said the amount NPS paid for the 2014-2015 school year would be the amount applied, which was around \$450,000 and is currently around \$600,000 and NPS feels they have shared in the cost of SROs. He said if there is intent of requesting NPS to pay 50% of the City's portion of the grant, there will need to be more discussion.

Mayor Clark said Council would like to know if there is any flexibility regarding when the grant can be accepted due to COVID 19, if there are penalties if the City could not continue the program after the first year, and the total cost of the SRO Program. She said there also needs to be conversations with NPS about how the City's portion will be split between the two entities, if at all.

Mr. Foster said Staff will also find out if not accepting or deferring the grant would impede the City from applying again in the future.

Items submitted for the record

1. Text File K-2021-17 dated July 1, 2020, by John Stege, Professional Standards Administrator
2. Email dated June 29, 2020, from COPS_Portal@usdoj.gov, to Police Chief and John Stege
3. COPS Office Award Application

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The meeting was adjourned at 6:25 p.m.

ATTEST:

City Clerk

Mayor