

## CITY COUNCIL CONFERENCE MINUTES

January 8, 2019

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, 2019, 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, Clark, Hickman, Holman, Scott, Wilson, Mayor Miller

ABSENT: Councilmembers Bierman and Carter

Item 1, being:

CHANGE ORDER NO. ONE TO CONTRACT K-1718-127: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND RUDY CONSTRUCTION COMPANY INCREASING THE CONTRACT AMOUNT BY \$11,059.95 FOR A REVISED CONTRACT AMOUNT OF \$297,386.95 FOR THE MAIN STREET PAVING PROJECT FROM JONES STREET TO PORTER AVENUE AND FINAL ACCEPTANCE OF THE PROJECT.

Mr. Tim Miles, Capital Projects Engineer, said the Main Street Streetscape Project from Park Avenue to James Garner Avenue is completed and consisted of a mill and overlay of Main Street through the corridor. During construction, it was decided the remaining blocks of Main Street from Jones Avenue to Porter Avenue needed asphalt and the color stamped asphalt was in need of repair. To capitalize on the Main Street Streetscape Project, Council approved Contract K-1718-127 on May 22, 2018, to complete the Main Street Streetscape Overlay Project between Jones Avenue and Porter Avenue. The contract utilized the contractor for the Main Street Streetscape Project ensuring the pattern and colors used at the intersections would be consistent throughout the corridor and provide a uniform fresh look of Downtown Main Street. Change Order No. One addressed a small pavement mill and overlay overrun of 194 square yards and an additional 84 square yards of stamped and colored asphalt. The mill and overlay adjustments were the result of a field change to the plans. The intent of the Main Street Streetscape Project was to have all intersections between University Boulevard and Porter Avenue receive the stamped and colored asphalt improvements; however, the Legacy Trail crosswalk and the Jones Avenue crosswalk were inadvertently left off the plans. As a result, a field change was made to include this work in the project for an additional amount of \$11,059.95. All work has been completed and inspected therefore Staff recommends approval of Change Order No. One with final acceptance of the project.

Items submitted for the record

1. Text File K-1718-127, Change Order No. One, dated December 13, 2018, by Tim Miles, Capital Projects Engineer
2. Change Order No. One to Contract K-1718-127
3. Location map

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Item 2, being:

CHANGE ORDER NO. ONE TO CONTRACT K-1819-9: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND MTZ CONSTRUCTION, INC., INCREASING THE CONTRACT AMOUNT BY \$29,089.49 FOR A REVISED CONTRACT AMOUNT OF \$111,553.49 FOR THE BURLINGTON DRIVE DRAINAGE IMPROVEMENT PROJECT.

Ms. Carrie Evenson, Stormwater Program Manager, said in response to multiple complaints regarding inadequate drainage and safety concerns along Burlington Drive, the Stormwater Division began working with Cardinal Engineering (Cardinal) to design improvements to the stormwater system along this street to prevent stormwater from ponding along the gutter or surfacing through cracks and joints in the street. Based on Cardinal's analysis, it was determined the installation of perforated pipe beneath the curb and gutter along both sides of Burlington Drive from 3621/3620 Burlington Drive to 1501 Pembroke Drive connected to the stormwater pipe under 36th Avenue N.W. on Burlington Drive would be the most cost effective way to address the drainage and safety concerns reported by citizens.

On September 25, 2018, Council approved Contract K-1819-9 with MTZ Construction, Inc., to furnish all labor and materials for the Burlington Drive Drainage Improvements Project in the amount of \$82,464. Change Order No. One in the amount of \$29,089.49 will provide additional labor and materials for concrete pavement replacement and installation of Americans with Disabilities Act (ADA) compliant sidewalks completed during the course of the Burlington Drive Drainage Improvements Project. Additional concrete was required to replace panels on Pembroke Drive due to cracking and driveway approaches on the north and south sides of Burlington Drive needed to be brought into ADA compliance.

Items submitted for the record

1. Text File K-1819-9, Change Order No. One, dated December 27, 2018, by Tim Miles, Capital Projects Engineer
2. Change Order No. One to Contract K-1819-9
3. Location map

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Item 3, being:

**CONTINUED DISCUSSION REGARDING A STORMWATER CAPITAL BOND PROGRAM AND A STORMWATER UTILITY – FOLLOW-UP ON SURVEY RESULTS.**

Ms. Annahlyse Meyer, Chief Communications Officer, said on December 18, 2018, Council requested another public survey be done to determine whether or not the public would support a Stormwater Utility Fee (SWU) being on the same ballot as a stormwater bond. She said this survey is a reflection of 870 responses without the comments, which she will forward to Council in an email since it is extensive. She said quite a few age ranges were represented in the survey with 94% being registered Norman voters and of the wards represented, Ward Five was the most highly represented. When asked which elections they have voted in recently, 87.93% said the November 6, 2018, General Election; 56.72% said the February 13, 2018, Municipal Election; 45.22% said the April 3, 2018, Municipal Election; 75.17% said the June 26, 2018, Regular Primary Election; 61.96% said the August 28, 2018, Regular Runoff Primary Election; 8.54% said they did not vote in 2018; and 3.19% said other. Of those surveyed, 63.90% said they would very likely vote in upcoming local elections.

Item 3, continued:

Ms. Meyer said when citizens were asked how critical stormwater infrastructure is for the City, 23.11% said very critical; 26.26% said critical; 31.44% said moderately critical; 11.24% said not critical; and 7.95% said not at all critical. When asked how knowledgeable citizens are about stormwater issues in Norman, 15.28% said very knowledgeable; 31.06% said knowledgeable; 40.66% said moderately knowledgeable; 10.61% said not very knowledgeable; and 2.40% said not at all knowledgeable. When asked what the most important issue a stormwater bond and utility in Norman should address, 27.65% said flooding in Norman; 34.34% said water quality protection; 20.33% said maintenance of stormwater infrastructure such as pipes and detention ponds; and 17.68% said other. When asked if citizens would support a proposition on the ballot asking voters to consider the stormwater utility fee, 29.60% said yes; 24% said unsure; and 46.40% said no. When asked if citizens would support a stormwater utility if it increased stormwater maintenance and infrastructure and fund private stormwater infrastructure maintenance projects, 27.68% said they would likely support; 41.20% said were neutral; and 30.93% said they were less likely to support. When asked if citizens would support the stormwater bond and stormwater utility fee on the same ballot, 11.87% said stormwater bond only; 16.27% said stormwater utility fee only; 28.67% said both together; and 43.20% said neither option.

Ms. Meyer said Hahn Public reviewed all the surveys that included a phone survey in March 2018; focus group meeting with survey in May 2018; phone survey in October 2018; online survey in December 2018; and online survey in January 2019. Based on these surveys, Hahn Public believes, overall, there is consistently more desire for information on stormwater related needs; a preference throughout for a tiered structure based on the home living area; continuous expressions of distrust in the government's ability to manage funds; concerns from Ward Five residents about their contribution to stormwater issues; and a preference for water quality managing. She said Hahn Public's recommendation is to move forward with the stormwater bond and believes the SWU could be successful in the future, but more time is needed to build consensus around the newly proposed fee structure. They recommended additional outreach, education, research, and advocacy group efforts to help strengthen support.

Ms. Evenson said the tiered option, based on home size, seems to be the supported option for the SWU and there appears to be more support for a bond package that includes transportation and stormwater together. She said while this survey gives the City additional information on what the current thought process is there was not enough time in between the last survey and this survey to educate the public on the tier structure. She believes once the public has been better educated on what a SWU can provide, they will be more supportive.

Ms. Amanda Nairn, Co-Chair of the Stormwater Citizens Committee, said the Committee has not performed any type of education since December 2018, due to holidays so there has been no public discussion of which option citizens prefer. She said in looking at the jump in survey respondents, she believes the City has reached as many people as possible who are interested, who want to attend the meetings, and who want to have these conversations. She said there is a whole other population who want to vote and are interested, but are not necessarily attending public meetings so when talking about what could be a final rate structure or plan a lot of people's interests are peaked and they weigh in. She said in public meetings, the Committee was able to move people's opinions from not supporting a SWU to being willing to support some type of SWU. She said education is still very important, but does not know how many more people will be reached when talking about which option they like.

Mr. Andy Sherrer, Co-Chair of the Stormwater Citizens Committee, said education will be the key, but this is a tough decision for the public. He said Council and the Stormwater Citizens Committee understand the City has a stormwater issue that must be addressed and the question is whether or not this

Item 3, continued:

is the right time to move forward on the SWU. He encouraged Council to take that next step and clearly analyze what has been proposed.

Councilmember Wilson said she appreciates all the hard work of the Committee, but she did a very impromptu Facebook survey and received 244 responses with options for no SWU fee, tiered SWU fee to include an agricultural tiered fee, flat fee, or \$3, \$6, \$9 tiered fee and 151 wanted no fee at all, 64 wanted a tiered with an agricultural tier, 21 wanted a flat fee, and 8 wanted a \$3, \$6, \$9 tiered fee.

Councilmember Holman said Question 14 states, "You indicated you were unsure if you would support this utility fee. Please share your reason why below" and 725 people skipped answering that question and only 153 people answered it so that speaks strongly about the need for education. He said people are not sure, but cannot explain why they would or would not support the fee. Ms. Meyer said comments will be emailed to Council, but those who answered said they wanted to see a plan and did not know how to support a fee without specifics.

Councilmember Hickman asked what the next step will be if Council takes Hahn Public's recommendation to wait on the SWU. He said the need for stormwater services is not going away so what is the plan? Should Council recall the Stormwater Citizens Committee to do some education? Mayor Miller suggested Council determine how much support is in the community and who would be advocates, i.e., Sierra Club, business owners, developers, etc. She said Council needs to be the ones to determine who the advocates are and what kind of support is in the community.

Councilmember Clark said she is all for moving forward in April with the stormwater bond and SWU because the Stormwater Citizens Committee had laid the foundation, but she is interested in knowing what kind of commitments Council can get over the next two weeks. She said there is a big push from Norman Public Schools (NPS) on education for their bond election on February 12, 2019, so will the City be able to start education on the stormwater bond and SWU before February 12th? She believes the City should wait and strategize a good education plan.

Ms. Nairn agrees with Mayor Miller regarding the advocacy groups and what type of community support is out there, but she would be in favor of moving forward with First Reading and work together over the next two weeks to determine where community support or opposition lies. She would not want any education taking place until after Second Reading when language is final.

Councilmember Hickman asked if there would be enough time to perform another phone survey before Second Reading to obtain a more statistically accurate idea of whether or not the public would support voting for the proposal as proposed. He said some citizens have expressed concerns about Council making decisions based on responses to online surveys. He would like an idea of how many citizens would vote for this specific proposal. Also, could the Committee be reconvened to make a formal written recommendation that the Committee would support a \$3, \$6, \$9 rate structure because there is nothing from the Committee on where they officially stand on this proposal. Mr. Sherrer said from the beginning, the Committee strongly supported a \$6.25 flat fee, but not all of the Councilmembers seemed to be on board with that so the Committee offered other alternatives and will support any option Council chooses.

Councilmember Scott supports the stormwater bond and SWU being together in April and felt it would be beneficial to discuss an agricultural tier to try to obtain rural residents' support.

Item 3, continued:

Councilmember Holman supports a tiered system, but does not feel Council is united on a rate structure and he would be interested in something that addresses agricultural property throughout Norman, not just Ward Five. He also supports the bond and SWU being together, but Council had a plan before that failed; however, Council waited until the last minute to approve that plan just before the vote and he is concerned Council will be repeating that. He said the City cannot afford for the SWU to fail a second time so Council needs to get this right.

Councilmember Clark agreed that an agricultural tier should be considered citywide and not be focused solely on Ward Five, because several wards have agriculturally zoned properties. Mayor Miller said she is more concerned about changing the tier structure because in all the many public meetings, the tier structure has been \$3, \$6, and \$9 and that is what people have in their minds. She said there has never been discussion by the Committee regarding an agriculture tier, which could take time to discuss criteria.

Councilmember Castleberry said on Question 12, 42% of the public said they would not vote for the stormwater bond or SWU so does that mean they will not vote for any plan the Council decides on and Ms. Meyer said comments reflect the public will not vote for the stormwater bond or SWU as presented and there are a lot of opposing viewpoints.

Councilmember Wilson said she would prefer the stormwater bond and transportation bond be on the same ballot and the SWU should be voted on at a later date in order for Council to have further discussion and have an education plan. She is concerned that having the stormwater bond and SWU on the same ballot as the transportation bond could negatively impact the transportation bond.

Mayor Miller said the City cannot kick this can down the road anymore because the City cannot continue funding stormwater issues from the General Fund. She said the City has personnel positions that cannot be filled as well non-stormwater projects that cannot be ignored any longer. She said even if the SWU fails, the City cannot continue to use money from the General Fund for stormwater issues. Councilmember Holman agreed and said if the SWU fails again, the State may start fining the City for not meeting State mandates.

Councilmember Hickman asked if a survey could be prepared asking questions about potential alternative plans, i.e., \$2 or \$3 flat fee, so Council can make an informed decision on January 22, 2019. Mayor Miller said Hahn Public has suggested more community education needs to be done, not more surveys.

Ms. Mary Rupp, Interim City Manager, thinks the Norman community is survey weary and surveys that have been done have been scientifically statistical and she does not believe another survey will give Council the validity and credibility they are looking for. She said performing another survey down the road when the City is educating and campaigning to gauge support is something Council may want to think about.

Councilmember Castleberry said the first survey about the flat fee was not supported because the public felt the fee was not fair. He felt a tiered structure would be the best option and it would be easy to run scenarios to see if other tiered options would result in the same revenue projections.

Ms. Meyer agreed with Ms. Rupp and said a survey is just a snapshot of current public sentiment and when you have surveys back to back, the public generally thinks it is the same survey they have already responded to and do not take the survey.

Item 3, continued:

Mayor Miller said part of the education process is talking to people about what their concerns are because some people do not have flooding issues and are not worried about that, but are concerned about water quality. She said Council should talk to the community to determine what type of support is out there for a SWU.

Mayor Miller suggested Council meet in a Study Session on January 17th to discuss possible changes to the proposals prior to Second Reading on January 22nd.

Items submitted for the record

1. Memorandum dated January 18, 2019, from Your Hahn Public Team to Annahlyse Meyer
2. City of Norman Potential Stormwater Bond and Utility Fee Survey

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The meeting was adjourned at 6:17 p.m.

ATTEST:

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City Clerk

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Mayor