

CITY COUNCIL
COMMUNITY PLANNING AND TRANSPORTATION
COMMITTEE MINUTES

May 24, 2018

The City Council Community Planning and Transportation Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 4:03 p.m. in the Conference Room on the 24th day of May, 2018, and notice and agenda of the meeting were posted in 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 Clark, Holman, Karjala, Wilson,
and Chairman Hickman

ABSENT: None

OTHERS PRESENT: Mayor Lynne Miller
Councilmember-Elect Joe Carter, Ward Two
Mr. James Briggs, Park Planner
Ms. Susan Connors, Director of Planning and
Community Development
Mr. Mark Daniels, Utilities Engineer
Ms. Carrie Evenson, Stormwater Program Manager
Mr. Terry Floyd, Development Coordinator
Mr. Jud Foster, Director of Parks and Recreation
Mr. Kris Glenn, Director, Cleveland Area Rapid
Transit (CART)
Mr. Taylor Johnson, Marketing Specialist for
Cleveland Area Rapid Transit (CART)
Mr. Steve Lewis, City Manager
Ms. Beth Muckala, Assistant City Attorney II
Mr. Shawn O'Leary, Director of Public Works
Mr. Scott Sturtz, City Engineer
Ms. Kathryn Walker, Assistant City Attorney III
Ms. Syndi Runyon, Administrative Technician IV

Item 1, being:

CLEVELAND AREA RAPID TRANSIT (CART) RIDERSHIP REPORT INCLUDING SAFERIDE AND EXTENDED SERVICE FOR THE MONTH OF APRIL 2018, AND PROPOSED ROUTE CHANGE FOR ROUTE 20, WEST NORMAN LINK.

Mr. Taylor Johnson, Marketing Specialist for Cleveland Area Rapid Transit (CART), highlighted CART Ridership Reports for April 2018, and said fiscal year-to-date ridership (July to March) had an increase of 6% over the same period last year. In April, CART transported 123,378 passengers that included 575 riders who traveled with bicycles and 225 riders who traveled with wheelchairs.

CARTaccess transported 2,918 riders in April, a decrease of 6% over the same month last year with an average daily ridership of 117 riders. Year-to-date primary zone ridership decreased by 10% while secondary zone ridership increased by 13%.

Item 1, continued:

Mr. Johnson said CART Staff participated in the University of Oklahoma (OU) Green Week panel discussion regarding sustainability initiatives on campus. CART also participated in a Turn Up for Transit event at the OU Campus on April 11th where CART spoke with faculty and students regarding alternative forms of transportation. CART attended a few community events that included Norman Open Streets on April 15th and Norman Earth Day on April 22nd where CART demonstrated how to use the bus bike racks, how to rent a Crimson Cruiser (Bicycle Share Program), and Staff answered questions from the public regarding public transportation options in Norman.

Mayor Miller asked if there is a specific reason for the decreased ridership overall and Mr. Johnson said it seems to be a national trend as gas prices fluctuate, but there are more housing options on campus so students are staying on campus and that could be one reason for the decrease.

Chairman Hickman asked for an update on expansion of the Bicycle Share Program and Mr. Kris Glen, Director of CART, said Council discussed creating a task force to discuss that, but no one from the City has reached out to CART; however, CART is available and will provide any information needed. Chairman Hickman asked Mr. Glen to follow up with City Staff regarding the task force and consider including the University North Park area as part of a Bicycle Share Program connection to OU Campus and Downtown Norman. Mr. Glen said he would be happy to contact Mr. Angelo Lombardo, Transportation Traffic Engineer.

Mr. Johnson said CART is proposing a service change to Route 20, West Norman Link, which was started in 2009 and serves northwest Norman, including Sooner Mall, Norman Regional HealthPlex, University North Park (UNP), and the Embassy Suites-Norman Hotel/Conference Center. He said ridership has slowly increased; however, ridership has not grown above 1,000 riders per month, which is the lowest current ridership. He said fiscal year-to-date average daily ridership is 33 passengers per month with an average passenger cost of \$29.20 whereas overall fixed route service average cost per passenger is \$2.30. He said CART is trying to be better stewards of funding by making this change. The proposed change will change the West Norman Link to operate during peak times on Monday through Friday from 10:15 a.m. to 5:45 p.m. with no Saturday service. Councilmember Karjala asked why CART is proposing to remove Saturday service and Mr. Johnson said there have only been five to ten riders on Saturdays. He said notice of public hearings will be in the newspaper on April 25, 2018, as well as on social media; CART's website; Route 20 bus; and Route 10 bus. The public meetings dates are scheduled for June 25 and June 27 at 6:30 p.m. at the Central Norman Public Library and a presentation of final changes will be submitted to the Community Planning and Transportation Committee (CPTC) on July 26, 2018, with changes to be effective on August 1, 2018.

Mr. John High said employees of Norman Regional HealthPlex ride the bus so how are they supposed to get to work if the bus runs at 10:15 a.m.? He suggested CART expand that route to include Interstate Drive to Lindsey Street instead. Mr. Johnson said the public hearings will incorporate comments from the public on proposed alternative options, but this is what CART is currently recommending. Mr. Glen said data indicates this route costs fifteen times more to run per passenger than other routes and changes need to be made to make the route more cost efficient.

Chairman Hickman said there are bus stops at Tecumseh Road and Robinson Street with two bus stops within the UNP and asked if Route 20 is the only route that services these four stops and Mr. Johnson said Route 10 Main Street services Robinson Street and 24th Avenue N.W., but Route 20 is the only one that currently serves the rest of the area. Chairman Hickman asked if CART could prepare a public transportation proposal, including costs, to provide more public transportation to UNP for the Committee's review in September and Mr. Glen said that would not be a problem.

Item 1, continued:

Chairman Hickman said the Main Street route serves Robinson Street on the south, but there is no service to Tecumseh Road on the north. He said if service was expanded to add routes in east Norman to Tecumseh Road or Rock Creek Road, what would that entail? Mr. Johnson said that could be reviewed.

Councilmember-Elect Joe Carter asked about the cost savings of reducing Route 20 hours and Mr. Johnson said because a majority of ridership is between 10:00 a.m. and 6:00 p.m., CART believes changing this route will save approximately \$90,000.

Ms. Tori Loffland, Oklahoma Electric Cooperative representative, asked if routes have been increased to a point where people that drive vehicles might actually ride the bus. She said it does not seem reasonable for someone with a vehicle to take advantage of the service; however, she would take advantage, especially in the evening if CART served her area in east Norman. Mr. Johnson said CART is always happy to take suggestions from the public on improving or expanding service, but CART is trying to work within funding parameters. Mr. Glen said a bus costs \$500,000 and \$300,000 per year in operational costs for each route. Mr. Johnson said cost savings being proposed today will go directly to fleet because 50% of CART's fleet is currently aged out of its useful life by Federal Transit Administration (FTA) standards.

Chairman Hickman asked if CART could prepare an update on the Bicycle Share Program expansion or discussion in June as well as a proposal to add a bus stop at Rock Creek Road in the UNP area, information on connecting routes from the east to the Tecumseh Road stop, and an explanation of routes currently connected to the east at the Robinson Street stop. He said this will give the Committee a better understanding of what public transportation options are currently available as well as what could be proposed to enhance public transportation options to the UNP area.

Mr. Johnson said, as previously proposed by Councilmember Clark, CART will provide free rides on election days of June 26th and November 6th to allow people to travel to the polls more easily and encourage voter participation. Mayor Miller thanked CART for agreeing to do that as well as agreeing to transport members of the disability community to the Mayor's Prayer Breakfast. She said CART is always willing to help out during special events and that is appreciated.

Items submitted for the record

1. Cleveland Area Rapid Transit Ridership Totals for the months of April 2018
2. Cleveland Area Rapid Transit Monthly Reports for April 2018
3. PowerPoint presentation entitled, "Cleveland Area Rapid Transit (CART) Proposed Service Change Summer 2018"

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Item 2, being:

DISCUSSION REGARDING THE CREATION OF A POSSIBLE TREE ORDINANCE.

Mr. Jud Foster, Director of Parks and Recreation, said due to interest expressed by Council, the Tree Board created a subcommittee to research tree ordinances from other cities and prepare a draft tree ordinance for the City of Norman. He said the draft ordinance being presented to the Committee focuses on street trees as opposed to trees on private property; however, there is a section in the ordinance regarding historic tree designations, which needs further discussion and input from Council. He said the draft ordinance contains more regulations on tree removal as opposed to replanting, but the Tree Board has expressed interest in using a combination of both. The Tree Board is also looking at penalties for violations, but enforcement has been a main concern because the City does not have a Forester or sufficient Staff to enforce violations at this time.

Mr. Foster said the Tree Board selected most of their ordinance language from the Wichita, Kansas, ordinance because they do not have a Forester either, but they do have a Forestry Division in their Parks Department. At this time, the Tree Board would like to move forward with drafting language so if resources become available, the City will have regulations in place.

Mr. Don Menzie, Tree Board Member, said most municipal tree ordinances are modeled after another city's ordinance and are living documents that continually change.

Chairman Hickman said enforcement is a matter of budget prioritization and he would like to set that aside for now and assume that is not an issue. He would like the ordinance to focus on street trees and trees in public spaces, such as parks. He said there are many new areas in Norman that do not require street trees and that needs to be addressed.

Councilmember Clark asked about the provision for historic tree designation and Mr. Menzie said that language is modeled after an ordinance in Oregon where a person can request a tree on private property be designated as a historic tree based on the age of the tree or a historic event that may have taken place in the area of the tree. He said that designation could be placed on the property deed so the property owner would need to apply to the City to alter, replace, or remove the tree. Mr. Menzie said there are some beautiful, large trees in Norman that people might be interested in protecting so they could apply to have the tree designated as a historic tree. Councilmember Karjala said the characteristics listed for historic designation includes trees with trunk diameters of 4.5 feet, excellent structure or unique structural character, excellent health, good longevity, and historical importance and asked if that language was taken from other ordinances and Mr. Menzie said yes, the Tree Board tried to choose language that would fit Norman.

Councilmember Karjala asked if this ordinance would help with incidents, such as the trees on Berry Road being cut down, from happening again and Mr. Menzie said the Berry Road trees were cut down because they were interfering with the electric wires. He said utility companies will always have the lawful right to trim, cut down, or remove trees that interfere with their service lines so this ordinance will not stop that from happening. He said property owners on Berry Road gave the utility company permission to cut down those trees and Ms. Tory Tedder-Loffland, Tree Board Member, said right-of-way laws are federal and state laws that supersede municipal laws, but utility companies do try to work with property owners especially if trees need to be cut down or removed versus trimmed. Mr. Menzie said most ordinances researched allow utility companies to trim as necessary.

Item 2, continued:

Chairman Hickman said he likes the Dallas, Texas, ordinance, specifically Section 51A-10.134 – Replacement of Removed or Seriously Injured Trees, because that section lists approved types of replacements trees. He would like Norman’s ordinance language to be limited to Central Norman, which is a defined existing area (from I-35 to 12th Avenue to Robinson Street to Imhoff Road). He said Central Norman consists of Norman’s historic canopy of trees and if a tree is removed, a comparable caliper of tree should be used to replace it. He said enforcement will require City department’s to work together unless the City hires a Sustainability Officer who could oversee tree replacement.

Councilmember Wilson is concerned about new developments because contractors generally “scrape and plop” meaning they scrape the land bare then plop houses down and this generally entails taking down existing trees that may be very old and large. Mr. Menzie said he does not like the scraping either, but when scraping takes place, the existing trees are usually damaged to the point that they die within three to five years anyway. Councilmember Wilson said some communities and developers seem to have a better grasp on saving existing trees versus scraping the land. She does not want to make the development process burdensome or make housing more expensive, but would like to see existing tree canopies retained when possible. Mr. Menzie said there are a lot of canopy trees that could be saved by protecting the root zones during construction and that is something the Tree Board is researching for the ordinance; however, that would not include street trees.

Councilmember Karjala suggested the replacement period for removed trees be six months instead of two years because two years is way too long. She is also concerned about requiring any replacement tree to be of similar caliper as the tree being removed because large trees will be hard to replace with a similar size. Mr. Menzie agreed and said the largest tree size that could be replanted is a six to eight inches. Chairman Hickman said if a 36 inch tree is removed, it could be replaced by four nine-inch trees. He believes this language is very important and limiting the ordinance to Central Norman will help in that regard.

Councilmember Holman would like to see language addressing the height of trees as well as caliper of trees. Chairman Hickman asked if Councilmember Holman is comfortable with Central Norman being a starting point and Councilmember Holman said he would like to know the exact boundaries. Ms. Susan Connors, Director of Planning and Community Development, said the boundary of Central Norman, as defined in the City’s Zoning Code, is Berry Road to 12th Avenue and Robinson Street to Imhoff Road.

Mayor Miller said some of the other city’s ordinances have rules for specific areas, but wonders if the people that live in those areas had any say on those rules, because cities really want buy-in from the public. She suggested beginning with baby steps of educating the public and garnering buy-in before enacting stricter regulations, but she likes the idea of starting with street trees and moving forward from there. She said when the City of Norman created its historic districts it had neighborhood buy-in, but will the City have buy-in if it creates a tree ordinance with rigorous rules? She wants to take this one step at a time because some of these regulations can be onerous and the City does not have the Staff to enforce these regulations. She said the City definitely wants to have consequences for violations if this ordinance is put into place. She really cares about the historic trees and would like to have something in place to address that. She also cares about the size of the replacement trees because she would not like to see a large tree being replaced with a “stick” in the ground.

Councilmember Clark agreed that neighborhood buy-in is important and might be accomplished if done neighborhood by neighborhood.

Item 2, continued:

Mr. Richard McKown with Ideal Homes said his company plants at least 200 trees each year just in the Carrington Addition neighborhood alone and if the City requires the replacement tree to be nine inches they are basically murdering the tree because there is as much tree below ground as above ground. He said Oklahoma has a harsh climate and as someone who has planted a lot of trees, he wanted to bring this to the Committee's attention. He would suggest four to five inches as a maximum replacement size.

Ms. Loffland said the Berry Road incident was due to the wrong tree being in the wrong place and she realized it was upsetting to a lot of people that the trees were cut down. She suggested educating people on what type of trees to plant as well as where to plant them to avoid these situations in the future. Mr. Menzie agreed that people need to be cognizant of what type of tree to plant as well as where to plant it.

Chairman Hickman said he would defer to the experts on the height and caliper of tree, but would like tree canopies to be preserved and replaced, preferably where it will not take two generations to grow to the size of the tree(s) taken out. He said large trees need to be replaced with reasonably sized trees that are going to provide a canopy within a reasonable period of time. He said the City has rapid development and redevelopment taking place so this ordinance needs to move forward now. He is 100% confident that constituents in Ward Four will fully support an ordinance that protects trees. He will support an ordinance that requires replacement of trees and if a replacement tree cannot be placed in the same spot as the removed tree, perhaps a new tree can be planted within a certain radius of the removed tree and if that is not possible perhaps the person could make a donation to a "tree fund" to help their neighborhood replace trees in other areas.

Councilmember Wilson said it may not be feasible to replace one large tree with four or five smaller trees because a five inch caliper tree will not remain a five inch caliper tree forever.

Mr. John High, interested citizen, asked what type of programs the City has in place to educate the public on replacing trees and Mr. Menzie said the City really needs a Forester to run programs and educate the public. Chairman Hickman said the City educates people during the annual Earth Day and Arbor Day events.

Mayor Miller said since Ms. Loffland is on the Tree Board maybe OEC and Oklahoma Gas and Electric Company (OG&E) would be willing to help the City do some promotional education.

Mr. O'Leary said subdivision regulations address the removal of trees very well and developers do a great job about not removing trees when that is an option. He said the preliminary plat stage is where all existing land conditions are displayed and the developer overlays their development plans so this is the stage of development when Council can actually see the tree lines and it is not uncommon for Council to ask developers not to remove specific areas of trees. He said tree planting mitigation is not a new idea either and the City recently planted 1,400 trees at Brookhaven Creek for the Main Street Bridge Project where several trees were removed from the channel.

Ms. Rebecca Bean, interested citizen, asked if the tree ordinance would prevent incidents such as Berry Road from occurring in the future and Chairman Hickman said because of the unique powers of the utility companies granted by federal and state law to protect their wires, this ordinance would not prevent that. He said the City is working with the utility companies to require their annual vegetative maintenance plan be filed with the City so the City and community will know where the utility companies will be abating vegetation and/or trees near wires. He said having the plan on file will help the City work with utility companies to hopefully prevent future Berry Road incidents from happening again.

Item 2, continued:

Ms. Jayne Crumpley, interested citizen, asked if the City could address large trucks driving through neighborhoods hitting trees and damaging limbs. She said the 400 block of Elm Street seems to be a thoroughfare for delivery trucks and she would like to limit where these large trucks can drive in order to protect the trees along the street.

Chairman Hickman summarized the Committee's suggestions that include addressing street trees and trees in public spaces including ways to protect the trees as well as types, heights, and locations for planting; a provision for historic trees and how the property owner can take action to protect those; creating a Central Norman overlay for trees using the provisions from the Dallas ordinance; and allowing administrative approval powers to Staff so if the City wants to save a tree Staff can grant an administrative waiver to protect or save a tree, e.g. if the parking ordinance requires 14 parking spaces, but the developer is willing to live with 12 parking spaces in order to save some trees, Staff would be able to approve that plan.

Mayor Miller asked if the draft ordinance is going back to the Tree Board for further discussion because she did not believe they had completed their discussion and Chairman Hickman said yes, the next step will be continued discussion by the Tree Board. He encouraged everyone to attend those meetings because they are public meetings. He said the Committee's goal is to continue discussion of the draft ordinance in September.

Items submitted for the record

1. Memorandum dated May 16, 2018, from Jud Foster, Director of Parks and Recreation, to Community Planning and Transportation Committee
2. Memorandum dated May 16, 2018, from Will Spain, on behalf of the Norman Tree Board, to Jud Foster
3. Draft ordinance
4. Copies of ordinances from City of Wichita, Kansas; City of Dallas, Texas; City of Edmond, Oklahoma; City of Ft. Worth, Texas; City of Portland, Oregon; City of Tulsa, Oklahoma; City of Katy, Texas; City of Atlanta, Georgia; and City of Austin, Texas

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Item 3, being:

CONTINUED DISCUSSION REGARDING GREEN BUILDING CODES AND GREEN INFRASTRUCTURE/LOW IMPACT DEVELOPMENT INCENTIVES AS IT RELATES TO WATER CONSERVATION.

Mr. Terry Floyd, Development Coordinator, said during the November 16, 2017, CPTC meeting, Staff provided information regarding incentive programs as a starting point for discussion and to gather feedback on potential incentive areas for additional research and future development and consideration. During the January 25, 2018, meeting, Staff presented information related to HERS rating processes and potential ideas for an incentive program for HERS rated home construction in Norman based on discussion with local builders as well as water conservation programs. Mr. Floyd said the organization responsible for developing the HERS index rating, Residential Energy Services Network (RESNET), recently launched the HERS H2O index to rate indoor and outdoor water usage of homes. The program is in the beginning stages and will provide a rating and subsequent score of a residential home's indoor and outdoor water use. Once the program and rating system/standards have been fully developed and implemented by the building industry, additional requirements for HERS H2O index ratings could be

Item 3, continued:

considered as an incentive program. Examples of water efficiency rebate programs include efficiency upgrades for outdoor irrigation, sinks and faucets, toilets, and shower/bathroom fixtures. He said water efficiency focused incentive programs could have a more direct impact on resources provided through Norman's municipally owned utilities.

Mr. Floyd said water conservation programs in Norman have been ongoing for over 20 years and include a year round odd/even water rotation; tiered water rates (inverted rate blocks); sprinkler system freeze sensor/rain gauge requirements; rain barrel distribution/workshops; annual Water's Worth It Campaign; and irrigation ponds at Griffin and Westwood Parks.

Mr. Floyd provided examples of water conservation rebate programs from Austin, Texas; Denver, Colorado; and Santa Fe, New Mexico, that consists of various rebate incentives for low flow toilets; water saving irrigation systems; xeriscaping; use of pool covers; rainwater harvesting systems; water timers; water efficient washing machines; and water efficient dishwashing machines.

One area of focus for Norman could be incentive development for gray water systems for non-potable purposes. In February 2011, Council adopted Ordinance O-1112-24 to allow for discharge of up to 250 gallons per day of private residential gray water. Gray water is defined in City Code as, "Untreated household wastewater that has not come in contact with toilet waste and includes wastewater from bathtubs, showers, washbasins, clothes washing machines and laundry tubs and untreated municipal wastewater limited to wastewater captured from municipal splash pads and water used by fire departments for cleaning equipment and vehicles. Gray water shall not include wastewater from kitchen sinks, kitchen dishwashers or laundry water from the washing material soiled with human excreta, such as diapers." Mr. Floyd said water utilities utilizing these programs focus on "laundry and landscape" rebate/incentive programs with typical rebates ranging from \$100 to \$200 per residence.

Mr. Floyd said Staff proposes scheduling meetings with development/building community to identify how a gray water system (and/or other types of programs for new residential construction) might be implemented and bring information back to the Committee.

Chairman Hickman asked the cost to install a gray water system and Mr. Floyd said he did not have costs at this time. Mr. McKown said a house in Austin, Texas, that included a gray water system scored more points in its green building permit than any other house ever has, but that developer said he would never install another gray water system because it smells really bad. Mr. McKown said recycled pond water smells better than recycled wastewater so it is really not a viable option and he would not recommend promoting that because developers are not going to be able to sell that. Chairman Hickman said maybe that type of system would fit better in an industrial context than residential context. Mr. Floyd said there are gray water systems available that treat the water prior to reuse, which could help with odor issues.

Chairman Hickman said he would like to continue discussion in September after Staff has had chance to meet with the development community.

Item 3, continued:

Items submitted for the record

1. Memorandum dated May 18, 2018, from Terry Floyd, Development Coordinator, through Steve Lewis, City Manager, to Council Community Planning and Transportation Committee, with Attachment A, article from Plumbing and Mechanical entitled, "RESNET launches HERS H20 Index" and "Water Efficiency Rating Index Standard"; Attachment B, information from Denver, Colorado, regarding Residential and Commercial Rebates; Attachment C, Norman, Oklahoma, Code of Ordinances, Article VII. Gray Water; and Attachment D, Example of Single-Family Graywater Incentive Program
2. PowerPoint presentation entitled, "City of Norman Water Rebate Programs for New Construction," dated May 24, 2018

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Item 4, being:

MISCELLANEOUS PUBLIC COMMENTS.

Councilmember Wilson asked if the CPTC could explore the Parking Ordinance, specifically the required number of spaces per development, and Chairman Hickman said the Committee will be discussing parking in June and although that subject is more about parking issues in Downtown Norman and Campus Corner, the number of parking spaces required per development could be part of that discussion. He said the June agenda will also contain an update on cell tower legislation and carports.

Councilmember Clark said the CPTC agenda always seems to be jam packed with items and meetings are really long so she would like to discuss forming another committee to handle some of the topics. Chairman Hickman said that would be a great topic to bring up during the Council Retreat in August.

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The meeting adjourned at 5:39 p.m.

ATTEST:

City Clerk

Mayor