

CITY COUNCIL SPECIAL SESSION MINUTES

June 12, 2018

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Special Session at 5:04 p.m. in the Municipal Building Conference Room on the 12th day of June, 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 24 hours prior to the beginning of the meeting.

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| PRESENT: | Councilmembers Allison, Bierman, Castleberry, Clark, Hickman, Holman, Karjala, Wilson, Mayor Miller |
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| ABSENT: | None |
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Item 1, being:

PRESENTATION FROM KIMLEY-HORN AND ASSOCIATES ON THE CITY OF NORMAN'S AMERICANS WITH DISABILITIES ACT (ADA) SELF-EVALUATION AND TRANSITION PLAN.

Mr. Shawn O'Leary, Director of Public Works, said the City has been working on the Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan for approximately one year and tonight Council will be reviewing the final report. He introduced Mr. Brian Shamburger, P.E., Kimley-Horn, and Ms. Trinia Mullins, Accessology, who have worked with Staff and a Citizens Steering Committee to prepare the Transition Plan. He said Council is expected to adopt the Transition Plan in a couple of weeks, which will allow Staff to begin planning and prioritizing projects and hopefully begin modifications in July 2019.

Mr. Shamburger said the self-evaluation included review of all programs, services, and activities the City offers as well as buildings; sidewalk miles; parks; signalized intersections; sidewalk corridors; and railroad crossings. He said these areas are considered to be high priority areas that have a lot of impact on the community. He said accessibility applies to all aspects of a program or service, including but not limited to physical access, advertisement, orientation, eligibility, participation, testing or evaluation, provision of auxiliary aids, transportation, policies, and communication.

The Transition Plan development identifies and lists physical obstacles and their locations; describes in detail the methods the entity will use to make the facilities accessible; provides a schedule for the access modifications; provides a yearly schedule if the Transition Plan is more than one year long; and names the position responsible for implementing the Transition Plan.

Mr. Shamburger said the Transition Plan document includes a main document consisting of an Introduction; Public Outreach; Self-Evaluation Summary of Findings; Facility Costs; and Next Steps. The document also contains appendices (over 1,200 pages) that include public outreach; a department survey and interview findings summaries; a grievance procedure, ADA public notice; and ADA Coordinator roles and responsibilities; programs, services, and activities review; design standards review; facility maps; facility reports; and ADA action log.

Mr. Shamburger said examples of elements that should be evaluated for barriers to accessibility include parking; path of travel to, throughout, and between buildings and amenities; doors; service counters; restrooms; drinking fountains; public telephones; path of travel along sidewalk corridors within the public rights-of-way; building signage; customer communication and interaction; non-compliant sidewalk or curb ramps; emergency notifications, alarms, and visible signals; and participation opportunities for City-sponsored events.

Mr. Shamburger said Mr. O'Leary will be the ADA Coordinator for the City of Norman and will be responsible for ensuring the Transition Plan is implemented.

Item 1, continued:

The City hosted public workshops on October 26, 2017, and May 9, 2018, to provide a summary of the Transition Plan and receive feedback on the process or other concerns related to accessibility. The City also formed an external Citizens Steering Committee and hosted meetings with the Committee on August 17, 2017, February 27, 2018, and May 9, 2018. A web survey was developed for the public that was designed to help the City locate areas of the greatest concern to the public and help provide better access to the community. An online map was developed to identify specific locations where the public experienced issues related to accessibility, safety, connectivity, or suggestions for accessibility improvements that are needed in Norman. The web survey and map were posted on the City's web page, sent out through social media, and emailed to the Citizen Steering Committee for redistribution. Both will remain online through the end of 2018 and serve as a tool to solicit feedback from the public on the Transition Plan.

Mr. Shamburg said the Citizens Steering Committee was asked to provide feedback regarding highest to lowest prioritization of City facilities needing to be assessed first and the list they provided included the Norman Public Library; Senior Citizens Center; Sooner Theatre; Firehouse Art Center; Whittier Recreation Center; Reaves Park; George Sutton Wilderness Park; Colonial Estates Park; Eastwood Park; Griffin Community Park; Monroe Park; and sidewalk corridors.

Mayor Miller said a new Central and East Library are being constructed that will be ADA compliant in a year or less making the library no longer a priority.

Councilmember Allison said trails in Sutton Wilderness Park were recently paved and although that is good because it makes the trails more ADA accessible, there are people who are unhappy that all the trails were paved because they prefer a more natural hiking trail. He asked how that could be balanced in other parks so there are natural trails as well as ADA accessible trails. Councilmember Clark said the trails are not completely paved, they are only paved at trail access areas so that anyone using a wheelchair can at least get onto the trail. Mr. O'Leary said a public program has to be ADA accessible to some degree and these are questions the City will face when deciding on what modifications need to be made. Councilmember Allison said trails should be accessible, but there should also be areas that continue to be natural and Mr. James Briggs, Park Planner, said the plan is to have multiple types of trails, but Sutton Wilderness Park is unique in its urban wilderness so there is a certain oversight of that to provide for birdwatching by prohibiting bicycles on certain trails. Mr. O'Leary said the City has to provide "reasonable accommodation" for any surfaces provided in parks and the interpretation of reasonable accommodation is very vague. Mr. Shamburger said it is not reasonable to make every single amenity fully accessible, but there needs to be some type of access to areas so disabled participants can have a similar experience of the amenity as a non-disabled participant. He said when choosing a method of providing program access, the City should attempt to give priority to the method that promotes inclusion among all users including individuals with disabilities.

Councilmember Hickman said in order to say that a park is accessible, does there have to be playground equipment available for a person with a disability? Mr. Shamburger said first and foremost there needs to be parking with accessibility to those playgrounds and once that is done, the next phase would be to see what can be done to make the equipment more accessible, such as adding ramps, changing the playground surface material, adding accessible playground equipment, etc. He said bathroom facilities, picnic tables, water fountains, etc., also need to be accessible so everyone has the opportunity to enjoy the park features.

Mr. John High, Citizens Steering Committee member, said reasonable accommodation means access must be reasonable to the individual needing the access not the provider. If an individual believes access is not reasonable, then modifications need to be made in order for the individual to utilize that program, service, or facility. The City needs to be talking to disabled citizens to determine what reasonable access would be for an individual's situation.

Mayor Miller said the overall intent of the Transition Plan is to have a way for people to report accessibility problems so the City can obtain more individualized input to put on the "wish list" when funding becomes available to accommodate residents as much as possible. Mr. Shamburger said the online map is the best tool for citizens to use to report specific areas of concern and allows Staff to prioritize projects. Mr. O'Leary said many of the parks will be improved through NORMAN FORWARD Projects that incorporate ADA accessibility so the City is already moving in that direction.

Item 1, continued:

Mr. Shamburger highlighted the partial implementation schedule and estimated costs as follows:

| Facility Type | Estimated Cost | Implementation Schedule (years) | Approximate Annual Budget |
|---|----------------|---------------------------------|---------------------------|
| Buildings | \$ 504,425 | 10 | \$ 50,450 |
| Building Unsignalized Intersections | \$ 52,000 | 10 | \$ 5,200 |
| Parks | \$ 58,000 | 10 | \$ 5,800 |
| Park Sidewalk | \$ 288,940 | 10 | \$ 28,900 |
| Park Unsignalized Intersections | \$ 302,000 | 10 | \$ 30,200 |
| Park Pedestrian Bridges | \$ 144,000 | 10 | \$ 14,400 |
| Signalized Intersections | \$ 129,000 | 10 | \$ 12,900 |
| Public Rights-of-Way Sidewalk | \$ 895,000 | 10 | \$ 89,500 |
| Railroad Crossings | \$1,037,000 | 10- | \$103,700 |
| Public Rights-of-Way Unsignalized Intersections | \$1,094,000 | 10 | \$ 69,800 |
| CITY TOTAL | \$5,202,365 | | |
| TOTAL ANNUAL BUDGET | | | \$520,250 |

Mr. Shamburger said several alternative funding sources are available to the City to complete the improvements to the Transition Plan that include applying for resources at the federal and state level, considering local options, and leveraging private resources. He said the ADA Coordinator and department heads will work together to determine funding sources and once funding is identified the ADA Coordinator will coordinate the placement of the projects in the Capital Improvement Program to be addressed on a fiscal year basis.

Mr. Shamburger said next steps include adoption of the Transition Plan; consideration of a Council appointed ADA Citizen Advisory Committee; consideration of hiring a full-time ADA Technician; continuing with next phase of project; and beginning implementation of improvements based on findings from evaluated facilities beginning with improvements to programs, services, and activities as well as integrating existing capital improvement projects and creating new projects.

The next phase consists of evaluating remaining facilities (20 buildings and 20 parks), Staff training, and Transition Plan updates. The ADA Coordinator and ADA Liaison Committee (Staff) will work on implementing improvements and establish internal procedures to monitor and track progress. Mayor Miller said Staff training is very important and is happy to see it as part of the Transition Plan. Mr. Shamburger said evaluation of remaining facilities will cost an estimated \$150,000 and Staff training will cost an estimated \$38,000.

Mr. Shamburger said the Citizens Steering Committee should be a permanent Council appointed Committee to begin meeting as soon as possible to continue dialogue and keep communication open inside and outside the City. He said the ADA Coordinator cannot accomplish the goals on his own so it would benefit the City to have an ADA Technician to focus on the implementation of the Transition Plan and manage the process. Mayor Miller said Council will be considering an ADA Technician position during the budget process.

Councilmember Hickman asked if the City would contract with a company to evaluate the 20 buildings and parks and Mr. O’Leary said that is an option and \$150,000 was put into the Transition Plan in case the City did not hire an ADA Technician. He said City Staff would be able to perform the evaluations if they had the right training. Councilmember Hickman said the ideal financially feasible approach would be to hire a trained person to perform the evaluation without having to contract with consultants. He said that position could also perform in-house training to avoid hiring someone to train Staff and Mr. O’Leary agreed that would be the best option. Mr. O’Leary said the City has 62 parks and 150 buildings that need to be assessed so there is a lot more work to do. He said assessments are divided into categories of very high priority, high priority, medium priority, and low priority and Staff would like to address the very high and high priority issues in all parks and buildings first.

Item 1, continued:

Councilmember Hickman said he is a huge supporter of accessibility and would like to have discussions regarding accessible housing for citizens with disabilities. He would like to incentivize the development community to build ADA accessible houses. He wondered if an ADA Technician could help in this endeavor and Mr. O'Leary said that would fall under design standards, which is not his forte and would probably overlap the 1991 Fair Housing Act with the ADA Act when talking about accessible housing or incentivized programs. He said there are not many cities that have an accessible housing ordinance, but Staff could research that. Councilmember Hickman said the City is moving towards incentivizing energy efficient housing so incentivizing accessible housing would be a similar program.

Councilmember Karjala would like to see transportation added for incentivizing because transportation is an important issue to the community. She said the Cleveland Area Rapid Transit (CART) services are great, but if the City is going to look at accessible housing the City should look at accessible transportation needs as well. Mr. O'Leary said CART has a long range plan incorporated into the City's Comprehensive Transportation Plan and in that plan is the desire to expand service to be more accessible, but the real issue is funding.

Ms. Chris Nanny, Citizens Steering Committee member, said the Citizens Steering Committee would really like the City to incentivize accessible cab companies to fill the gap in areas where CART cannot meet the needs. She said there also needs to be technology and website formatting improvements as well as a formal grievance feedback procedure. Mr. Shamburger said website and grievance issues have been reviewed and will be implemented so citizens and the City will have accountability as well as allow the City to document grievances.

Councilmember Karjala asked what the transparency in the grievance process would be because her understanding is there has been no transparency in this process before. Mr. O'Leary said a Staff Liaison Committee was created to handle website issues, communication issues, etc., and all grievances will go through that Committee to be addressed. He said an ADA Technician could assist the Committee to help each department be more effective in addressing ADA issues within their department as well as in the community. He felt these steps will add transparency to the process.

Items submitted for the record

1. PowerPoint presentation entitled, "City of Norman ADA Transition Plan," prepared by Brian Shamburger, P.E., Kimley-Horn, and Trinia Mullins, Accessology
2. City of Norman ADA Self-Evaluation & Transition Plan Report by Kimley-Horn in association with Accessology dated June 2018

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Item 2, being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES, TITLE 25 §307(B)(3) IN ORDER TO DISCUSS THE ACQUISITION OF REAL PROPERTY FOR RECREATIONAL PURPOSES CURRENTLY OWNED BY THE OKLAHOMA DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES LOCATED IN THE VICINITY OF EAST ROBINSON STREET AND 12TH AVENUE N.E. AND EAST ROBINSON STREET AND 24TH AVENUE N.E.

Councilmember Castleberry moved that the Special Session be adjourned out of and an Executive Session be convened into in order to discuss the acquisition of real property for recreational purposes, which motion was duly seconded by Councilmember Hickman; and the question being upon adjourning out of the Special Session and convening into an Executive Session in order to discuss the acquisition of real property for recreational purposes, a vote was taken with the following result:

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| YEAS: | Councilmembers Allison, Bierman, Castleberry, Clark, Hickman, Holman, Karjala, Wilson, Mayor Miller |
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| NAYES: | None |
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The Mayor declared the motion carried and the Special Session adjourned out of; and an Executive Session was convened into in order to discuss the acquisition of real property for recreational purposes.

Item 2, continued:

The City Council convened into Executive Session at 5:50 p.m. Mr. Steve Lewis, City Manager; Mr. Jeff Bryant, City Attorney; Ms. Beth Muckala, Assistant City Attorney; and Mr. Anthony Francisco, Director of Finance, were in attendance at the Executive Session.

Thereupon, Councilmember Castleberry moved that the Special Session be reconvened, which motion was duly seconded by Councilmember Wilson; and the question being upon reconvening the Special Session, a vote was taken with the following result:

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| YEAS: | Councilmembers Allison, Bierman, Castleberry, Clark, Hickman, Holman, Karjala, Wilson, Mayor Miller |
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| NAYES: | None |
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The Mayor declared the motion carried and the Special Session was reconvened at 6:18 p.m.

The Mayor said the acquisition of real property for recreational purposes currently owned by the Oklahoma Department of Mental and Substance Abuse Services located in the vicinity of East Robinson Street and 12th Avenue N.E. and East Robinson Street and 24th Avenue N.E. were discussed in Executive Session. No action was taken and no votes were cast.

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ADJOURNMENT

There being no further business, Councilmember Castleberry moved that the meeting be adjourned, which motion was duly seconded by Councilmember Wilson; and the question being upon adjournment of the meeting, a vote was taken with the following result:

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| YEAS: | Councilmembers Allison, Bierman, Castleberry, Clark, Hickman, Holman, Karjala, Wilson, Mayor Miller |
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| NAYES: | None |
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The Mayor declared the motion carried and the meeting was adjourned at 6:19 p.m.

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ATTEST:

City Clerk

Mayor