

CITY COUNCIL
BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES

November 3, 2011

The City Council Business and Community Affairs Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 9:01 a.m. in the Conference Room on the 3rd day of November, 2011, 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 Lockett, Quinn, Spaulding, and Chairman Ezzell

ABSENT: None

OTHERS PRESENT: Councilmember Kovach, Ward Two
Ms. Cindy Rosenthal, Mayor
Mr. Harold Heiple, Attorney
Mr. Kirk Holcomb, ES-2 Controls Contractor
Mr. Don Wood, Norman Economic Development Coalition
Ms. Nancy Yoch, Don Cies Realty

STAFF PRESENT: Mr. Jeff Bryant, City Attorney
Mr. Bob Christian, Permit Manager
Ms. Susan Connors, Director of Planning and Community Development
Mr. Anthony Francisco, Director of Finance
Mr. Steve Lewis, City Manager
Mr. Gary Lowe, Information Systems Manager
Mr. Shawn O'Leary, Director of Public Works
Ms. Kathryn Walker, Assistant City Attorney
Ms. Syndi Runyon, Administrative Technician IV

Item 1, being:

IMPLEMENTATION RECOMMENDATIONS TO STREAMLINE THE BUILDING PERMIT AND INSPECTION PROCESS.

Mr. Steve Lewis, City Manager, said in its September 15, 2011, meeting, the City Council Business and Community Affairs Committee had been presented an overview of the best practices for building permits in order to review streamlining the permit process. He said the Planning Department is now presenting additional information.

Ms. Susan Connors, Director of Planning and Community Development, said she had previously submitted information to the Committee regarding building permit best practices that included performance measures; technology; building permit processes from other communities; and customer service. She said supplemental material being presented today includes an annotated list of performance measures with work plans, chart of costs for hardware and software to improve technology, and a comparative survey of six Oklahoma cities.

Ms. Connors said the Planning Department has budgeted funds for a Building Permits Application Module to add to the current Sunguard system to provide expanded customer service. She said the application will add electronic inspection scheduling; property and permit information; online submittal; inspection maintenance; public inquiry; online fees; and project view. She said applicants will be able to schedule inspections online, pay for inspections online, allow submittals of building permit applications online, inquiries can be submitted online instead of by phone, and contractors will be able to view inspections online.

Ms. Connors said currently, the Building Permit Department has an Interactive Voice Response (IVR) System that builders and contractors use to schedule inspections. She said there is an upgrade that will allow customers to leave additional messages and notification can be delivered back to them. She said there is a Mobile Inspection System (MIS) the City is looking at that has a similar function, so the City may not need an upgrade to the IVR System. She said if customers can go online for inspections, there would be no need to call the City for that information. She said the IVR is a little more cumbersome than getting information online. Chairman Ezzell asked if the IVR is a system that is paid for annually and Ms. Connors said maintenance is paid annually and the City will still need the IVR system, but would not need the upgrade. Chairman Ezzell asked about the costs of the upgrades and Ms. Connors said the MIS will cost approximately \$100,000, which would include ongoing maintenance for the first year and an annual maintenance cost of \$14,000 each year after that.

Ms. Connors said, in regards to customer service, the City developed a list of frequently asked questions (FAQ), which are now available on the City's website. She said additional questions have been submitted to the Committee tonight for their review and three of the FAQ's will be added each week until the list has been exhausted. She said the majority of FAQ's come from less experienced builders and home owners so the questions are primarily geared in that direction and the information can be obtained online as opposed to calling the City for information.

Ms. Connors said the primary goal of the plan review is meeting timelines established for residential and commercial plan reviews. She said the International Residential Code was adopted by the State in July and the City is beginning to meet with builders to move that code forward for City adoption. She said the City has identified the need to establish interpretations of the building codes and she has submitted a table of contents of that manual for the Committee's review. She said a question had been raised about the City's ability to track how long plans are in the City's possession versus the builder's possession and said the City currently has that ability and the information is readily available.

Ms. Connors said to improve the inspection process, Staff has identified new software and hardware that would make the process better and the Mobile Field Inspection (MFI) module will be added to the currently used Sunguard System. The MFI will allow inspectors to rearrange their schedules and routes of inspections and research permit and inspection information directly from their vehicles. She said there will be computers and printers in each inspector's vehicle. This will also allow inspectors to input data at the time of inspection instead of waiting to get back to the office at the end of the day and customers will have direct access to that information. A printed copy will also be left at the site for those who may not have computer access.

Councilmember Quinn asked if the MIS is i-Phone and i-Pad compatible and Mr. Gary Lowe, Information Systems Manager, said no. He said the MFI would be strictly laptop, but there is another module available that is i-Phone/i-Pad compatible; however, it does not give all the functionality needed. Ms. Connors said, from the customer's point of view, the i-Phone/i-Pad is not as reliable or customer friendly; however, the City will have the ability to send e-mails to the i-Phone/i-Pad. Mr. Lewis said it is a trade-off and asked Mr. Lowe the cost difference of the i-Phone/i-Pad compatible system and Mr. Lowe responded \$60,000, but said it does not address the issues the City is dealing with in streamlining the permit process.

Chairman Ezzell said he understood the City had the budgetary ability to move forward and Mr. Lewis said he and Mr. Anthony Francisco, Director of Finance, have reviewed the Capital Budget and expect some savings on some of the projects and, if necessary, funds from the Fund Balance can be used. He said contingent upon Council approval, the City is ready to move forward. Chairman Ezzell felt the MIS would be a significant improvement and worth the investment. Mayor Rosenthal said the Council postponed payment of the annual Norman Economic Development Coalition (NEDC) dues and asked if the City has budgeted monies for technology improvement or would that be a mid-term adjustment to the budget and Mr. Lewis said it would be

a mid-term correction in the Capital Budget and the NEDC dues would come from the General Fund. Mayor Rosenthal said, in light of that, she is comfortable with moving forward. Councilmember Lockett asked if Staff had projected cost savings and Ms. Connors said they have not and Councilmember Lockett asked her to track that since the goal is to save money. Chairman Ezzell asked the Committee if they felt this information needed to be presented to the Council in a Study Session or, given the high rate of attendance today, place an item directly onto an agenda when prepared. Councilmembers felt it should be presented to Council as a whole since it will require a budgetary change. Councilmember Quinn suggested presenting the information to the Finance Committee as well.

Mr. Lewis said if the City moves forward with the permit streamlining process, in order to meet all the items discussed, the City will need a business ombudsman. He said he had prepared a draft of a job description for a Development Coordinator, but for all practical purposes it is really a business ombudsmen position that has been discussed by several committees. He said the question repeatedly asked is who would the position report to and he has designed the position to report to the City Manager. The Development Coordinator's fundamental job will be to facilitate development review projects for both public and private projects, but primarily private projects. He felt the value of the position would be to help provide guidance to developers, architects, engineers, or anyone involved on a project team that is interacting with the City. He felt the position would be helpful in working with community groups to explain some of the City requirements on construction projects. He said it is also important to think about how that position could assist the City on some of its own projects such as the Smalley Center, Fire Station No. Nine, downtown improvement projects, etc. He said the position can also give the City an opportunity to work on re-development issues that are going to occur in the community over the next several years.

Mr. Lewis said the goal is to have a single line of contact for builders, contractors, and developers within the community. He said this person would also reach out to various business groups in the community. The Development Coordinator would follow projects all the way through approval stages from Planning Commission to City Council. Mr. Lewis said he has discussed the position with the Chamber of Commerce, builders, developers, and NEDC. This position will not replace NEDC's efforts because it will be geared for smaller retail projects and NEDC is geared for more industrial projects.

Chairman Ezzell asked if the Chamber has indicated a willingness to partially fund this position or has that been discussed fully. Mr. Lewis said it has not been fully discussed and he did not know what the Chamber's current position would be. Chairman Ezzell asked Mr. Lewis to follow up as that may give the City latitude on the qualification of who is hired if the pay range could be raised. Councilmember Kovach felt that any money the Chamber might donate toward the position would be more appropriately used for a recruiting position as the public might misinterpret the Chamber funding a position of this description. Councilmember Kovach said he was in support of the position if the City wants to streamline projects and disprove rumors that the City of Norman is not business friendly. Chairman Ezzell asked Staff to visit with the Chamber and get information on the next agenda meeting for follow-up. Mr. Lewis said he would appreciate any feedback from Council on the class specifications.

Mayor Rosenthal said she appreciated all the information that has been presented by Staff and hopes the whole packet is being shared with the Chamber to make them aware of the City's benchmarks. Chairman Ezzell asked that the Chamber be provided the information if that has not been done.

Items submitted for record

1. Memorandum dated November 3, 2011, from Susan F. Connors, AICP, Director of Planning and Community Development, to Business and Community Affairs Committee, with Exhibit 1, Performance Measures; Exhibit A, Sungard Clickw2Gov Building Permits for NaviLine; Exhibit B, Voice Permit by Selectron - additional functionality and price quotes as of October 6, 2011; Exhibit C, Frequently Asked Questions; Exhibit D, Manual of Building Code Interpretations and Policies; Exhibit E, Outline of Review Time for Selected Building Permits; Exhibit 2, Sungard Public Sector Mobile Field Inspection; and Exhibit 3, Building Permit Information Survey
2. Draft Class Specification for Development Coordinator

Item 2, being:

DRAFT PUBLIC TRUST INDENTURE TO CREATE THE NORMAN ECONOMIC DEVELOPMENT AUTHORITY.

Chairman Ezzell said a number of Norman Trust Authority agreements were compiled and reviewed by the Committee and Staff has prepared a draft Public Trust Indenture for consideration as to what a Norman Economic Development Authority Trust Indenture (NEDATI) would look. He said at the last Committee meeting there had been some governance issues that needed to be fine-tuned.

Mr. Jeff Bryant, City Attorney, said at the October Business and Community Affairs Committee meeting several tools for economic development in Oklahoma were discussed. He said one of the tools was a public trust and under Oklahoma law, a public trust is often used for the benefit of the municipality to incur long term indebtedness and assist with long term planning and investments for a variety of purposes. Staff was directed to draft a trust indenture creating the NEDATI. He said the heart of the discussion from the last Committee meeting was governance of the trust. He said the key article that has been individualized for this particular trust is Article VII, which sets forth the identity of the Trustees, how each Trustee is selected, as well as the identity of the Chairman and Clerk of the Trustees. The draft indenture provides that there will be five Trustees with two Trustees chosen from City Councilmembers, one Trustee chosen by the Board of Directors of the NEDC, one Trustee chosen by the Executive Committee for the Norman Chamber of Commerce, and one Trustee with strong ties to the banking community be chosen by City Council.

Mr. Bryant said all Trustees must be citizens and residents of Norman. The members of Council selected to serve as Trustees shall be chosen at the beginning of each fiscal year to accommodate new Councilmembers as they take office in July and corresponds with other Council appointments. The remaining three Trustees will serve staggered terms so that the possibility of complete board turnover is minimal. The Chairperson of the Trustee Board is selected at the first meeting of each fiscal year by the Trustees. The City Clerk will serve as the Secretary of the Trustees to ensure meeting minutes and other trust related documents are maintained in similar fashion to other City records.

Chairman Ezzell said he had visited with Mr. Mark Nuttle who has experience with trust indentures and asked Mr. Bryant to forward the draft to Mr. Nuttle for his review. He said he has asked Mr. Nuttle to speak about the trust indenture at a future Committee meeting. He said in the governance aspect, it is important to always have people with a knowledge base that made them qualified to serve on the board and one of those primary knowledge bases is a financial and banking background. He asked if there was a way to tighten the language identifying that position and Mr. Bryant said yes he could do that and he would also take suggestion from Mr. Nuttle since he has experience in this area.

Mayor Rosenthal said she was concerned about whether or not there has been any litigation or concerns raised regarding the delegation of powers of eminent domain to a non-elected body. Mr. Bryant said he would research that, but was not aware of any problems. He said some of the safeguards on condemnations is the condemnation process itself with the appointment of Commissioners and the court system. Chairman Ezzell said there had been a recent court case dealing with a private economic development entity. Mayor Rosenthal said she wanted to make sure the Trust was created under firm, legal grounds. Ms. Kathryn Walker, Assistant City Attorney, said the power of eminent domain is one of the enumerated powers of the board. Chairman Ezzell asked if the Trust Authority deems an eminent domain or condemnation action as being appropriate, would it be inappropriate to require that body to submit that request to Council and have Council approve it. Mr. Bryant said it would not be inappropriate, just adds a step that is not normally in a trust agreement. Mayor Rosenthal said if Council did not approve the action, at least have a notice provision so the elected officials are aware of an exercise of eminent domain. Councilmember Spaulding said he felt the Council should have an opportunity to approve eminent domain and Councilmember Kovach agreed. Chairman Ezzell said he understands the concern and asked Mr. Bryant for an analysis on a notice requirement versus approval requirement and what it would add to the process.

Mayor Rosenthal asked if language in Article IV, Purposes of Trust, that states, "to promote and develop any and all utility and public works projects or facilities of any type or description including, but not limited to, those for water, sewer, electric, solid waste, natural gas or other public utilities of any type or description" would be setting up something potentially in conflict or competition with the Norman Utility Authority (NUA) or Norman Municipal Authority (NMA) and Mr. Bryant said he did not believe so.

Chairman Ezzell asked Mr. Bryant to forward the draft to Mr. Nuttle and prepare an analysis on the points of discussion regarding eminent domain power and what would that potentially add to the process to be put on the next meeting agenda. Mr. Lewis said he forwarded the draft to NEDC and Chamber of Commerce for their comments.

Items submitted for record

1. Memorandum dated October 24, 2011, from Kathryn L. Walker, Assistant City Attorney, through Jeff H. Bryant, City Attorney, to Members of the Business and Community Affairs Committee
2. Draft Indenture Creating the Norman Economic Development Authority

Item 3, being:

MISCELLANEOUS DISCUSSION.

Chairman Ezzell said there had been some discussion on the Sign Ordinance and asked for a brief update. Ms. Connors said Staff is preparing a presentation for December to bring the Committee up-to-date.

The meeting adjourned at 9:38 a.m.

ATTEST:

City Clerk

Mayor