

CITY COUNCIL CONFERENCE MINUTES

May 10, 2011

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:30 p.m. in the Municipal Building Conference Room on the 10th day of May, 2011, 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 Atkins, Butler, Cubberley,
Dillingham, Ezzell, Griffith, Kovach,
Mayor Rosenthal

ABSENT: Councilmember Quinn

DISCUSSION REGARDING WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN.

Mr. Steve Lewis, City Manager, said Staff presented a draft Water Conservation Plan (WCP) to the City Council Oversight Committee on April 6, 2011, and Mr. Ken Komiske, Director of Utilities, said Resolution No. R-0203-99, adopting the first City of Norman WCP was adopted April 22, 2003. He provided the history of the water system and water system profiles such as supplies, customer usage, and water system management. He said Resolution No. R-0607-18 was adopted on July 25, 2006, adopting the Norman WCP 2006 and included a Drought Contingency Plan (DCP) which was an update to the first City WCP. The WCP 2006 update included more recent information about customer profile and usage, as well as changes in pricing and additional conservation measures adopted by ordinance. The DCP section was also amended to reflect a more comprehensive plan that included stages for water conservation.

Mr. Komiske provided a chart depicting a drought update for Oklahoma from October 1, 2010 through May 8, 2011 and said Central Oklahoma now has the driest point on record, reflecting almost 12 inches below normal.

Mr. Komiske said Staff worked on revisions to the WCP and some of the topics that have been updated include:

- Water System Inventory: update water supply well map including wells shut off due to arsenic and flow diagram of the water treatment plant including the ozone contactors
- Water Production: update of the water system production graph to 2010
- Water Customers Profile: update information on population, number, and type of customer accounts; customer per capita information; and added annual precipitation history 1895 to 2009. Norman has 35,248 total water customers and the total population is 110,925.
- System Loss Profile: update water loss information and efforts to reduce water loss
- Water Management: added Norman's Lake Thunderbird usage versus permitted allocation graph; added pie chart of average indoor water usage; added several water saving techniques and suggestions; added web site and example of Simple Irrigation Plan (SIP); and added several water conservation practices that the City has undertaken over the last several years
- Educational Information: added information, example of and link to the U.S. Seasonal Drought Outlook web page
- Water Conservation Measures: updated the three stages of conservation (voluntary, moderate mandatory, and severe mandatory) and their associated trigger points

Mr. Komiske highlighted some of the City's accomplishments to reduce potable water usage and stated the information is included in the Educational Information of the updated WCP. The accomplishments include the installation of lakes and an irrigation water well at Westwood Golf Course so the golf course can utilize it rather than the City's potable water supply. He said the City constructed a lake at Griffin Park to provide water to the ball and soccer fields, and more recently the City has installed piping to a non-potable well that is adjacent to Griffin Park/lake in order to augment the water supply should the lake start getting low. Mr. Komiske also said the Wastewater Treatment Plant Reuse has been very successful in that each month it averages about seven to ten million gallons potable water the City is not using.

Mr. Komiske highlighted the three stages of a DCP and said the triggers and goals for use reduction and actions available consist of:

Stage 1 – Voluntary:

Triggers:

- Demand = Norman Utilities Authority (NUA)
- Temporary reduction in supply
- Distribution system temporarily out of service
- OKC connection not available
- Reservoir level drops five feet (level 1034.0) NOTE: 10 feet is at 50% capacity

Goals:

- Increase public awareness
- Review City water use, operations, and irrigation
- City to water every other day or less
- Voluntary reduction by customers, i.e., odd/even, no irrigation from 9 a.m. to 6 p.m., and hand held watering is allowed anytime

Stage 2 – Moderate Mandatory:

Triggers:

- Demand exceeds supply by three mgd for two days or more
- Reduction in long term supply
- Large portion of distribution system is out of service
- http://www.drought.unl.edu/dm/DM_south.htm

Goals:

- Recommend no new landscaping (including developers)
- Eliminate non-essential City water use
- No outside water use (excluding irrigation)
- No rough water, i.e., water that should not leave property
- No watering between 9 a.m. and 6 p.m.
- Odd/Even mandatory with NO watering Wednesday and Thursday
- City reduce splash pad hours by 2 hours per day

State 3 – Severe Mandatory:

Triggers:

- Demand exceeds supply by six mgd for two days
- Water pressure is reduced to 25psi > 24 hours
- Reduction in supply
- Large portion of Distribution System out of service

Goals:

- Landscape watering is limited to one day per week; including City facilities
- One day per week residential landscape watering (on trash pick up day)
- No landscape watering on weekends
- No water for construction, dust control, flushing, etc.
- Pools can be maintained, not filled
- City splash pads closed

Mayor Rosenthal said due to the drought in progress, the Central Oklahoma Master Conservancy District (COMCD) has already asked the three partner cities for a voluntary reduction of 5% this year and suggested this also be added to the Stage 1-Voluntary DCP. Mr. Komiske agreed and said it will be added as a trigger to assist

with public education. Mayor Rosenthal suggested clarifying the goal for Stage 3 "...one day per week residential landscape watering..." to reflect as household trash day because residents receive two services per week and Staff agreed.

Mayor Rosenthal asked whether warnings or penalties were discussed at the City Council Oversight Committee (Oversight Committee) and Councilmember Dillingham said it was the Committee's hope that citizens will understand the goals and comply therefore no warnings and/or fines would be imposed. Mayor Rosenthal felt there should be a warning system whether it is a door hanger notification or equivalent and Councilmember Dillingham said the Oversight Committee felt Council should discuss this topic as a whole for a consensus on the issue. Councilmember Kovach agreed with the Mayor's suggestion to have a warning/penalty system in place because it can be very costly if the City has to pull 6 mgd of water from OKC. Ms. Kathryn Walker, Assistant City Attorney, said currently the City Code states if a water shortage occurs in the City's water system, the City Manager can declare an emergency and dictate what/how the citizens can use City water. She said the Code also states once water rationing is in place, a penalty/citation in the amount of \$50 to \$750 and/or 60 days in jail can be imposed against the citizen in Municipal Court if they do not comply. Mayor Rosenthal suggested referencing the provision (for a declaration of a water emergency) and penalty (can be imposed if a citizen does not comply) in the DCP and also felt a door hanger notification/warning system should be added to Stage 3, because it is part of public education.

Councilmember Atkins expressed concern if the State requirements for the amount of water the City could pull from the aquifer changed, Norman would be limited to approximately 14 mgd and currently Norman's average usage is 13.8 mgd.

Councilmember Butler addressed the replacement of existing meters that were below standard(s) and asked whether there have been discussions about a provision for a future rate increase in order to upgrade the City's existing meters. Mr. Komiske said the last rate increase in 2006, specifically allocated \$350,000 to target meters that were four inches and larger (commercial) and a lot of "lost" water was found but he said money was not specifically allocated to replace residential meters. He said if Council desired and should a future rate increase be approved, Staff could earmark a certain dollar amount that would replace existing residential meters. Mr. Komiske said it would be difficult to know how much of a possible gain and/or reduction in system loss if a residential meter replacement occurred, but the City could perform a pilot program and change out 400 to 500 meters and monitor the meters for at least a year.

Councilmember Kovach suggested adopting a resolution requiring the City to install xeroscaping when installing new or replacement landscaping and felt it would set an example for reducing water usage and necessary maintenance.

Mr. Komiske said Staff would make the recommended changes to the WCP and DCP and bring back to Council for formal consideration. Mayor Rosenthal felt it would be important to carry out a public information campaign given the current/possible drought situation the City is facing and Councilmember Butler requested Staff put water information on the City website.

Items submitted for record

1. Memorandum dated May 5, 2011, from Mr. Kenneth Komiske, Director of Utilities, to Norman Utilities Authority
2. City of Norman Water Conservation Plan 2011
3. Draft Resolution R-1011-123
4. PowerPoint presentation entitled, "Water Conservation Plan Update, May 2011"

DISCUSSION REGARDING RESOLUTION NO. R-1011-120 ADOPTING THE STORM WATER MASTER PLAN FINAL REPORT DATED OCTOBER 2009.

Mr. Shawn O'Leary, Director of Public Works, said Resolution No. R-1011-120 adopting the Storm Water Master Plan (SWMP), along with the Ordinance Nos. O-1011-52 and O-1011-53 adopting the Water Quality Protection Zones (WQPZ), will be items on Council's agenda May 24, 2011, for Council consideration and adoption.

Mr. O'Leary provided background information stating Council authorized the development of a SWMP during the FYE07 budget process. He said an in-depth scope of work was prepared by two citizen committees and the request for proposals was completed in February 2007. The firm Post, Buckley, Schuh and Jernigan, Inc., was chosen to conduct the SWMP and Council approved Contract No. K-0708-30 on July 10, 2007. Mr. O'Leary said numerous public meetings, task force meetings, and Council study session were held and a final report was presented to Council on November 10, 2009. He said Council opted not to adopt the SWMP, largely due to significant trepidation in the community about the recommendations in the plan referencing Stream Planning Corridors (SPC), but instead accepted certain data in the plan, and adopted an Action Plan that outlined the steps for implementing the recommendations contained in the SWMP.

Following the acceptance of the SWMP in November 2009, Staff began working on draft ordinances that would address the SPC recommendations in the Plan and also began working on the approval of a storm water utility rate structure by the voters of Norman. He said one of the major accomplishments of the SWMP identified capital projects and applicable scope necessary to achieving the City's goals.

Mr. O'Leary highlighted the SWMP primary goals and objectives that have been met to date as follows:

- Obtained public input
- Provided public education (which must continue) and determined a formal outreach program is needed for awareness of storm water needs, importance of funding sources, and sustainability of the City Storm Water Program
- Worked to build consensus and support (which must continue)
- Addressed water quality and drainage challenges in an environmentally sound manner
- Enhanced recreational opportunities and develop a Greenway Master Plan (GMP)
- Defined funding solutions

Mr. O'Leary said SWMP key issues include:

- Stream Planning Corridors (SPC) and additional buffer strips
- Structural and non-structural storm water quality controls
- Acquisitions of drainage easement and rights-of-way
- Enhanced maintenance of creeks and detention facilities
- Dam safety

Mr. O'Leary said Council's acceptance of the SWMP accepted certain data in the SWMP to include Appendix E (watershed/basin physiographic characteristics and statistics); Appendix F (hydrologic and hydraulic modeling support data); Appendix I (problem/solution prioritization scoring); and Appendix J (flood profiles for 10, 50, 100, and 500 flood year events-existing and full build out). He said the SWMP acceptance also recognizes underlying values to include the 2025 Land Use Plan guides land development; preservation of water quality; and protection of private property from flooding. It also accepted key guiding principles in the GMP and adopted a SWMP Action Plan. Mr. O'Leary said the acceptance of the SWMP did not commit the City to any funding strategy, did not enact any new regulations, and did not require any additional dedication of land.

Ms. Kathryn Walker, Assistant City Attorney, said Staff feels it is the appropriate time to adopt the SWMP as the guidance it provides for the capital projects and the Storm Water Utility will be key going forward. She said the SWMP does not give the City a funding mechanism, but instead provides three funding recommendations. She said the SWMP does not commit to any one, or all, of the three funding recommendations, but it does imply capital projects need to be completed, prioritized, and includes the study of each creek, etc.

Councilmember Kovach asked about the timeline and steps Staff will take to establish a Storm Water Utility and Mr. O'Leary said the SWMP Action Plan directed, and Staff has established, the system, calculated impervious area(s) on 30,000 parcels of land, and achieved the connection of the Storm Water Utility to the City's current water billing system. He said Staff will move forward with Council's direction as to which funding option(s) are favored, the need and time line for additional public information to help citizens understand the Storm Water Utility fee, and when and if an election should be scheduled. Mr. Anthony Francisco, Finance Director, said if a Storm Water Utility election is approved by the voters he felt it would take 60 to 90 days from the election date to the first billing to implement the fee.

Councilmember Ezzell felt there may still be some level of trepidation in the community concerning the SPC and asked Staff about the SWMP Task Force Committee's discussions and their position on SPC. Mayor Rosenthal stated the study session scheduled for May 17, 2011, will discuss the WQPZ ordinances and all recommended changes since the last time they were presented to Council. Councilmember Ezzell asked whether the City was prohibited from pursuing any of the capital projects outlined in the SWMP, independently from the SWMP, or does the SWMP have to be adopted in order to complete one or all of the outlined capital projects. Mr. O'Leary stated the projects could be done independent of the SWMP. Councilmember Ezzell asked what role the study/data performed by Vieux and Associates played in the overall SWMP and the appendixes and Mr. O'Leary said most of the data performed is in the SWMP and also in much of the water quality analysis in Lake Thunderbird watershed relative to the SPC. Mr. O'Leary said Vieux and Associates also did a rainfall analysis to help define what types of storm water designing were needed which is also included in the SWMP.

Councilmember Ezzell asked about the discussions and outcome of the May 9, 2011, Norman Chamber of Commerce (Chamber) Board meeting and Mayor Rosenthal stated the Chamber passed a resolution opposing the WQPZ. Councilmember Ezzell stated the Chamber opposes the SWMP, the Planning Commission was deadlocked on the issue, and felt there was still a significant amount of discussion in regards to the SWMP Task Force Committee. He felt the trepidation in the community concerning SPC has not been addressed and Mayor Rosenthal said the SWMP Task Force Committee has put forth a lot of work and effort in reaching accommodations and consensus on SPC. Mayor Rosenthal felt the SWMP Task Force Committee believes Council should now make decisions and those decisions are embodied in their recommendations coming forward in the WQPZ ordinances.

Councilmember Ezzell agreed a lot of work has been done on the SWMP and WQPZ ordinances but felt the bridge has not been gapped on the resistance of the trepidation concerning some of the details and specifics of the SWMP. He said he does not oppose the goal of phosphorous reduction but felt there are concerns and issues that still needed to be discussed such as a possible ban on phosphorus and nitrogen fertilizers. Councilmember Dillingham stated discussions were held with the development community and they requested Staff tackle the SPC issue first. She felt there will be a lot of detail(s) relating to the policy that will develop the SWMP and felt Staff will use SPC as a building block for many remaining issues. Councilmember Butler said throughout this process, Staff has recorded all comments/issues made by SWMP Task Force, Council, and the development community and have incorporated those comments/issues, along with the SWMP and WQPZ draft(s) ordinances, into a separate document. She said this document contains details step by step any issues/comments and the manner in which they were addressed. Councilmember Butler felt suggestions and or issues brought forth were honored and addressed even though there was a great deal of divergence, for example some desired zero

protection along streams for water quality while others preferred 300 foot wide buffers. She said one of the issues that came forth from the study/report performed by Vieux and Associates was the only way to address the storm water issue is to use every method available as a tool, including fertilizer controls, but buffers must be a core feature of the SWMP. Councilmember Butler felt buffers are the most efficient way to remove nutrients and should be the centerpiece of a whole system of methods to address storm water. She said to mandate the amount of fertilizer a citizen can use will not correct the storm water issues in Norman, which are getting worse at a rate faster than the study/report completed by Vieux and Associates suggested. Councilmember Dillingham agreed and said Lake Thunderbird is in worse shape than Dr. Vieux initially thought, thus why Council is being requested (now) to adopt the SWMP.

Mayor Rosenthal stated Ms. Walker has an entire table of changes/recommendations made throughout the SWMP Task Force Committee meetings and suggested Staff include the information in Council's packet. Mayor Rosenthal felt Staff believes the SWMP is the fundamental piece for the capital projects outlined in the Plan and for the Storm Water Utility fee. She said there have been concerns that some of the language suggests the City is not committed to a funding strategy and asked if Council desired different/additional language to make clear Council's commitment to the development of a Storm Water Utility, but at this time no new fees will be imposed with the adoption of the SWMP or WQPZ ordinances. Councilmember Kovach felt it would be helpful to add verbiage and clarify Council's commitment to funding strategies for the SWMP.

Items submitted for the record

1. Memorandum dated May 5, 2011, from Ms. Kathryn L. Walker, Assistant City Attorney, to Honorable Mayor and Councilmembers
2. Draft Resolution R-1011-120
3. Storm Water Master Plan Update for City Council Conference dated May 10, 2011

The meeting adjourned at 6:40 p.m.

ATTEST:

City Clerk

Mayor