

CITY COUNCIL CONFERENCE MINUTES

February 28, 2012

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 28th day of February, 2012, 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 Ezzell, Gallagher, Griffith, Kovach,
Lockett, Quinn, Spaulding, Mayor Rosenthal

ABSENT: Councilmember Dillingham

Item 1, being:

CHANGE ORDER NO. ONE TO CONTRACT NO. K-1112-84 WITH SILVER STAR CONSTRUCTION COMPANY, INC., INCREASING THE CONTRACT AMOUNT BY \$82,560 TO UTILIZE FOR BUDGET AMOUNT FOR THE 2012 URBAN ASPHALT PAVEMENT REHABILITATION BOND PROJECT.

Mr. Shawn O'Leary, Director of Public Works, said voters approved the Urban Asphalt Rehabilitation Bond Program in the Norman General Obligation (GO) Bond Election in March 2010, and the original budget is \$8,250,000. He said the lowest bid received on January 19, 2012, was from Silver Star Construction Company, Inc., in the amount of \$1,425,555.70, which is 5.5% under the budget total. Mr. O'Leary said if approved, construction will begin on the 14 locations on neighborhood asphalt streets in March 2012, and be completed by June 30, 2012. He said Change Order No. 1 in the amount of \$82,560 will utilize all of the funds collected for this portion of the 2010 Bond Program, thus increasing the contract by 5.5% for a total amount of \$1,508,115.70.

The Change Order is included on Council's regular meeting agenda later this evening.

Items submitted for the record

1. Text File No. K-1112-84 dated January 30, 2012
2. Change Order No. One to Contract No. K-1112-84 with Tabulation of Bids and List/Map of Project Locations

Item 2, being:

CHANGE ORDER NO. ONE TO CONTRACT NO. K-1112-85 WITH CENTRAL CONTRACTING SERVICES, INC. INCREASING THE CONTRACT AMOUNT BY \$85,307 TO UTILIZE FOR BUDGET AMOUNT FOR THE 2012 URBAN CONCRETE REHABILITATION BOND PROJECT.

Mr. O'Leary, Director of Public Works, said voters approved the Urban Concrete Rehabilitation Bond Program in the Norman General Obligation (GO) Bond Election in March 2010, and the original budget is \$4,500,000. He said the lowest bid received on January 19, 2012, was from Central Contracting Services, Inc., in the amount of \$790,420, which is 9.75% under the budget total. Mr. O'Leary said if approved, construction will begin on March 2012, and be completed by June 30, 2012, in six (6) neighborhoods including 96 streets that were identified for the FYE 2012 Program. He said Change Order No. 1 in the amount of \$85,307 will utilize all of the funds collected for this portion of the 2010 Bond Program, FYE 2012 projects, thus increasing the contract amount by 9.75% for a total amount of \$875,727. The additional funding will be used to perform more repairs within the Castlerock Addition.

The Change Order is included on Council's regular meeting agenda later this evening.

Items submitted for the record

1. Text File No. K-1112-85 dated January 27, 2012
2. Change Order No. One to Contract No. K-1112-85 with Tabulation of Bids and List/Map of Project Locations

Item 3, being:

DISCUSSION REGARDING ROOM LOCATION AND PROCEDURES FOR CITY COUNCIL STUDY SESSIONS.

Mayor Rosenthal said it has been requested to consider the possibility of moving the City Council Study Sessions to the Council Chambers as well as allowing the public an opportunity to speak and/or ask questions at the close of a Study Session. Councilmember Kovach felt it would be more conducive if Council took limited public input only on items on the agenda and being in the Council Chambers would assist in making that easier to accomplish. He felt the entire Council was in consensus on this issue and he would support moving the Study Session into the Council Chambers. Councilmember Dillingham said she would support the Council majority to increase the opportunity for public comment; however, the Study Session environment was created so that Council could sit around a table and the meeting would be more of a "work session". She said the Council Committees, i.e., Community Planning and Transportation Committee (CPTC), Oversight Committee (OS), etc., are structured so that public comment(s) can be heard on agenda items being discussed and she felt the structure has worked very well. Mayor Rosenthal wanted to clarify that the limited input is the understanding that there will be an opportunity in a Study Session for citizens to *only* ask questions concerning items on the agenda and that the understanding is not about moving towards a miscellaneous discussion that is currently being conducted during City Council meetings.

Councilmember Quinn said during Study Sessions, Council sits around a table for a reason and he felt being in a face-to-face environment with fellow Councilmembers and Staff allows for a more informal situation and enhanced communication for all. Councilmember Lockett felt it may be difficult for some to hear and/or understand a citizen who speaks in the Study Session conference room and she would like to alleviate this issue. She felt Council owed citizens the respect to hear public comments if they attend a Study Session and suggested moving the Study Sessions to the Council Chambers on a trial basis to determine if the proposed scenario will work. Councilmember Dillingham asked what else could be done to augment sound in the Study Session conference room. Mayor Rosenthal said she has listened to audio tapes of past Study Sessions and said there is no problem in hearing Council and/or Staff who are sitting at the table; however, if Staff and/or individuals speak from the audience it is very important that they come to the table and speak. She felt it was important for Council, Staff, and individuals, whether sitting at the table or in the audience, to always speak very clearly into the microphone. Mayor Rosenthal felt very strongly that the informal working environment is extremely important and the Study Session conference room was designed for the purpose of having those types of informal working sessions.

Councilmember Kovach agreed with Councilmember Lockett's suggestion to move the Study Sessions to Council Chambers on a trial basis. Councilmember Gallagher agreed with Councilmember Kovach and said while the current conference room is adequate for Council Committees, the room becomes too crowded for Study Sessions. Mayor Rosenthal agreed that it may be appropriate to move Study Sessions that have an overflow of people, but only on a case by case basis. Councilmember Griffith said he liked the intimacy and informal working environment of the current conference room for Study Sessions but would support Council majority on this issue. Councilmember Ezzell agreed that the Study Sessions should be moved to Council Chambers on a trial basis and felt public input received earlier in the process could be very beneficial, thus improving the process.

Council discussed and decided to move Study Sessions to Council Chambers on a trial basis. Councilmember Dillingham requested parameters be set so it can be determined when/if the goal of moving the Study Sessions has been met. Councilmember Kovach felt the trial basis should be for a three (3) month period and a parameter could be whether or not a significant amount of public involvement is achieved and is favorable to the Study Session agenda item(s). He agreed with the Mayor and did not want the Study Sessions to become so formal in the discussion and/or work study process that a communication breakdown occurs.

Item 4, being:

DISCUSSION REGARDING THE FYE 2013 CAPITAL BUDGET AND PROPOSED PROJECTS FOR A FUTURE GENERAL OBLIGATION BOND ELECTION.

Ms. Linda Price, Revitalization Manager, said tonight's discussion will primarily be on Capital Fund and the focus will be FYE 2013 as opposed to looking at the out years. She said the financial assumption for FYE 2012 is a 4.64% increase and FYE 2013-2017 is a 4.25% increase. Ms. Price said funding sources for Capital Fund include Capital Sales Tax, General Obligation (GO) Bonds, Public Safety Sales Tax (PSST), Interest Income, Grants, and Private Resources. Due to limited funding, Staff recommends decreases in costs and postponements of the following projects originally scheduled for FYE 2013:

- Smalley Center or use PSST funding (\$1,056,950) - postponement
- Fire apparatus/equipment storage building (\$730,000) - postponement
- Bridge Replacement Franklin Road ½ mile west of 12th Avenue N.W. (\$250,000) - postponement
- Rock Creek Road and 12th Avenue N.E. signals – two (2) years (\$200,000) - postponement
- Classen Boulevard signals – two (2) years (\$200,000) - postponement
- Indian Hills Road signals - one (1) year (\$200,000) - postponement
- Creston Way drainage improvements – two (2) years (\$15,000) - postponement
- Asphalt Pavement Maintenance Robinson Street between 24th Avenue N.E. and 60th Avenue N.E. (\$365,000) - postponement
- Asphalt Pavement Maintenance North Base Facility Paving (\$120,000) - postponement
- Split Audio/Visual for Chamber into two (2) years (\$350,000) -reduction
- Reduce Community/Neighborhood improvements (\$50,000) - postponement
- Delete funds for one (1) year for traffic calming (\$100,000), alley repair program (\$190,000), greenbelt acquisition (\$50,000), and concrete valley gutter (\$75,000)

Ms. Price highlighted project increases for projects currently included in the FYE 2013 Budget. Mayor Rosenthal asked the targeted transfer date for the Smalley Center and Ms. Price said it is June 30, 2012.

Proposed New Infrastructure Projects

- Transportation Master Plan (\$300,000)
- Building "C" Generator/UPS (\$200,000) – This will help with the computer system.
- Replacement of Reaves Park Softball Building (\$175,000)
- Downtown Parking Lot (\$100,000)
- Highway 9 utility relocation from 24th Avenue N.E. to 36th Avenue N.E (\$43,710) – These are additional costs mandated due to State statute changes.
- Highway 9 utility relocation from 36th Avenue N.E. to 72nd Avenue N.E. (\$36,169) - These are additional costs mandated due to State statute changes.
- Replacement of Lightning Detection System at Griffin, Westwood, and Reaves Parks (\$73,000) – The current lightning detection system was installed in the 1960's and parts are obsolete. All of the outdoor sporting events are in these three (3) parks and the City wants to ensure citizen safety in those parks.
- Oklahoma Department of Transportation (ODOT) audit adjustments (\$100,000)
- Replacement of deficient natural gas line at Fleet Division (\$15,000) – The current gas line size and diameter is too small and replacement will sufficiently heat the facility.
- Traffic signalization of Tecumseh Road and 48th Avenue N.W. (\$20,000) – More traffic accidents occur at this location and it has been determined to be an important signalization to perform.
- Replacement of vent hood and fire suppression system for Westwood Grill (\$10,000) – The current vent hood and fire suppression does not meet code and the Fire Marshal has requested it be replaced.

Councilmember Kovach asked if Staff considered the request for signalization for the children crossing the street on Porter Avenue and Mr. O'Leary said that will be an agenda item on the next Community Planning and Transportation Committee (CPTC) for consideration. He said Staff will have several options that range from \$50,000 to \$2 million for the CPTC to think about, but the project is not part of the proposal.

Councilmember Kovach felt the City should participate in the west branch Norman Public Library (NPL) and asked if the funding would come out of the General Fund or the Capital Fund. Mr. Anthony Francisco, Finance Director, said it would come out of the General Fund. Mr. Steve Lewis, City Manager, said Staff recently met with Pioneer Library System (PLS) Staff and toured the former Borders building as well as the new library facility located in southwest Oklahoma City to do some comparisons. He said Staff just received PLS's proposal regarding the current lease and service agreements and Staff is in the process of examining the proposal. Mr. Lewis said if Council desires it can be included in the FYE 2013 budget. Mayor Rosenthal said a Council Conference has been scheduled in approximately two (2) weeks to further discuss PLS's proposal.

Councilmember Kovach asked Staff if lighting for Normandy Creek Park would be coming forward soon and Mr. Jud Foster, Director of Parks and Recreation, said Staff will be bringing forward an appropriation request from Room Tax Fund to address that project in the near future. Councilmember Kovach asked if additional work was being considered for Imhoff or Merkle Creeks and Mr. O'Leary said those tend to be \$80,000 to \$100,000 neighborhood projects. Mr. O'Leary said Staff continues to work with the older neighborhoods where there is a tendency to have smaller issues with more immediate solutions and those projects include Merkle Creek as well as the Wildwood Drive area. Councilmember Kovach asked if a detention pond for Andrews Park is envisioned in the Storm Water Master Plan (SWMP) to help alleviate some of the flooding issues in Imhoff Creek and Mr. O'Leary said from his recollection a large detention basin concept for Andrews Park was in the \$4 million range. Councilmember Kovach felt the City needed to start budgeting improvements for Imhoff Creek and Mayor Rosenthal did not disagree but felt a package for a storm water utility would better address the larger issues instead of nibbling on the issues little by little.

Councilmember Kovach said he did not want to move forward with a Downtown Parking Lot until consensus among the downtown businesses is reached and requested a concrete plan for how the Downtown Parking Lot will properly be utilized. Councilmember Dillingham said the Downtowners Association and area merchants have issues that will need to be addressed before the Downtown Parking Lot can be included in the proposed budget and requested the Downtown Parking Lot be discussed at the March 28, 2012, CPTC meeting. Mr. Stephen Koranda, representing the Downtowners Association, said a meeting was scheduled to discuss issues tomorrow night, February 29, 2012, and felt a consensus would come to fruition. Mayor Rosenthal said a consensus was determined that the parking lot would not be used as a free all day parking facility but that instead that it must meet the needs of the retailers and not just citizens who worked in the downtown area. Councilmember Ezzell asked if Staff has looked at cost to hard surface the vacant lot on south side of Gray Street and Councilmember Dillingham asked Staff to bring an estimate to the March CPTC meeting.

Councilmember Gallagher asked about a Colonial Estates drainage way project. He also asked if a lighted crosswalk on the west side of the library could be considered.

Proposed G.O. Bond Funding Option

Ms. Price said Staff discussed the option of funding some specific projects with GO Bonds because it would not only allow the City to complete them in a more timely manner, but would also save and free up the budget so that more projects could be implemented. She said the G.O. Bond projects would be supplemented with federal transportation funds, developer fees, and recoupment fees in excess of 50% Project costs total \$71,638,958 with the City's share at \$33,358,892, and if passed would free up \$1,299,500 in FYE 2013 to be used for other capital projects. The potential GO Bond projects include:

- 24th Avenue east from Lindsey Street to Robinson Street
- 36th Avenue N.W. from Tecumseh Road to Indian Hills Road
- Cedar Lane from 12th Avenue S.E. – ½ mile east of 24th Avenue S.E.
- 12th Avenue S.E. from Cedar Lane to Highway 9

- Lindsey Street from 24th Avenue S.W. to Berry Road
- Franklin Bridge – ½ mile west of 12th Avenue N.W.
- Main Street Bridge – ½ mile west of 36th Avenue N.W.
- Alameda Street Safety Project

Councilmember Kovach asked if these projects included the savings on the sidewalk projects and Ms. Price said the project cost(s) included all costs associated with the project, therefore if the sidewalk was a part of the project then it was included. Councilmember Kovach said there are current sidewalk project requests that are not associated with the roadway projects and asked if Staff had looked at those savings as well. Mr. O’Leary said Staff has not looked at those particular projects for possible correlation(s) resulting in possible savings, but will do so. He said if additional savings is found the estimated \$1.3 million that would be freed up in FYE 2013 would become greater.

Councilmember Gallagher asked if a sound wall along Royal Oaks Addition was included in the 24th Avenue East Project and Mr. O’Leary said Staff has not had any environmental evaluation discussions on the projects that would include sound walls.

Mayor Rosenthal said there has been a lot of discussion concerning potential GO Bond funding for major projects and felt Staff needed direction as to whether or not the proposed projects will or will not be pursued. Councilmember Kovach said he would support a GO Bond package because the public has given numerous indications that traffic is a main concern and all the proposed projects are important. He said not only do the proposed projects address traffic issues, but they also address storm water issues and felt it will be a great opportunity to correlate the traffic and storm water issues/projects to save the City money. Councilmember Dillingham agreed stating the proposed projects are city wide and have identified some of the most difficult traffic issues in the City that can be combined with storm water issues to maximize the savings. Mayor Rosenthal felt it was important to begin the educational process about what the proposed projects would entail.

Ms. Price said Staff also looked at facility maintenance projects due to Council’s request several years ago after they recognized more effort was needed in maintaining the City’s current/existing facilities. She said resources were sat aside so that maintenance and/or repairs could be made on a regular basis and four areas were primarily identified: roofs, lighting replacement, HVAC projects, and hot water heater replacement. Ms. Price said to date the City has replaced 25 roofs and completed four (4) roof repairs totaling \$2.2 million; 15 facilities have had lighting replaced totaling \$180,634; HVAC projects have been completed in seven (7) facilities totaling \$1.8 million; and to date 39 hot water heaters have been replaced by Facility Maintenance Staff totaling \$31,875.

Staff has also discussed the option of using PSST for some of the eligible requested projects:

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| • Smalley Center | • Rehab of Fire Stations/Emergency Operations Center (EOC) |
| • Fire apparatus/equipment storage building (\$750,000) | • Fire suppression emergency response units (\$500,000) |
| • Police Facility Improvements | • Personal protective equipment for Fire (\$400,000) |
| • Self Contained Breathing Apparatus (SCBA) (\$300,000) | • Public Safety Software and other Communication needs (\$1.8 million) |

Councilmember Ezzell asked for clarification concerning the projects that could potentially be funded using PSST and asked if those projects were in the Capital Budget as unfunded and Ms. Price answered in the affirmative, stating not all requests were for FYE 2013. She said those requests were for anticipated rehabilitations at some of the fire stations and police facilities. Mr. Keith Humphrey, Police Chief, said currently there is \$400,000 to \$500,000 in grant funds allocated for the Computer Aided Dispatch (CAD) system and \$1.8 million will be needed to fund the remaining costs for the Public Safety Software and other Communication needs.

Councilmember Ezzell asked the size of the Smalley Center and Mr. Lewis said the site is 3.7 acres and is approximately 32,233 square feet. The original building was constructed in 1958 and was approximately 7,600 square feet. He said in 1991, approximately 24,000 square feet was constructed. Mayor Rosenthal asked Staff to explain the Smalley Center process imposed on the City by the Department of Defense which identified the facility to be used for public safety and Ms. Price said the City was notified in April 2006 that the Smalley Center would be closed. Ms. Price said a redevelopment authority of nine (9) members was appointed by the Mayor and a year was spent notifying the community requesting information and possible uses for the building as well as notifying the homeless agencies because of an Act was passed in 1994 mandating that any base realignment closure had to be offered to homeless agencies first. She said the homeless agencies turned down the facility and the City also had to obtain clearance from Housing and Urban Development (HUD) relating to all the homeless aspects. Ms. Price said the uses of the building are still very limited due to transferring of federal property and the City had three (3) applicants that were interested in the facility, receiving proposals from Middle Earth Day Care Center, Norman Public Schools to be used as an alternative school, and from the Police and Fire Departments to be used as an investigations, forensics lab, custody storage, and patrol facility. Ms. Price said the City applied to the Department of Justice which took approximately one (1) year and received approval in 2007 for the Smalley Center to be transferred to the City. She said since that time it has been a matter of getting the process completed; stating the paperwork has been completed, the required studies have been completed, and the City is waiting for the paperwork to be finalized by the Department of Justice. The anticipated transfer date is June 2012.

Councilmember Kovach asked when Fire Station No. 9 will be completed and Mr. Lewis said the bid should be awarded to the contractor next month; construction will take approximately one (1) year and be completed in the Spring 2013. Councilmember Kovach said he is not comfortable using PSST for proposed projects until Fire Station No. 9 is complete. Mayor Rosenthal felt now is the time to program the PSST funds because Council is aware when Fire Station No. 9 will be completed and the intention is not to surplus the entire amount. She felt Council should not wait a year because there are some critical needs from the proposed PSST list. She requested Staff provide a prioritization and programming of the PSST related projects, beginning this year to continue over the next few years, while retaining some reserve fund for salaries. Councilmember Ezzell and Kovach said they would also like to review a prioritization list and Councilmember Kovach stated the PSST funds could be programmed and prioritized but he did not feel the surplus should be spent before Fire Station No. 9 is completed. Councilmember Dillingham also felt it was important to prioritize the PSST projects and her main concern with the PSST surplus is first and foremost what projects the Fire and Police Chiefs feel are the most important so that public safety can be enhanced.

Mayor Rosenthal asked what the current fund balance was for PSST and Mr. Francisco said it is projected to be a little over \$8 million this year and is estimated to be \$16 million by September 30, 2016, which will end the seven (7) year PSST term unless citizens vote to keep collecting PSST. Councilmember Kovach asked how much reserve balance will be needed for fire and police salaries in the event citizens do not approve an extension. Mr. Francisco said \$2 million would need to be set aside for six (6) months salaries and/or \$4 million for one (1) year. Mr. Lewis said if a *new* PSST proposal was taken to the voters and if, for whatever reason, the voters did not approve the proposal, Staff discussed the opportunity of re-packaging a PSST proposal in order to bring back to the voters again. He felt a six (6) month reserve in the amount of \$2 million would be adequate for public safety salaries and Council agreed.

The meeting adjourned at 6:18 p.m.

ATTEST:

City Clerk

Mayor