CITY COUNCIL SPECIAL SESSION MINUTES

August 6, 2013

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Special Session at 5:30 p.m. in the Municipal Building Conference Room on the 6th day of August, 2013, 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 Castleberry, Heiple, Holman, Kovach, Miller, Williams, Mayor Pro Tem Griffith
ABSENT:	Mayor Rosenthal

Item 1, being:

QUARTERLY UPDATE FROM HAROLD HEIPLE, CHAIRMAN OF THE CHARTER REVIEW COMMISSION, REGARDING ACTIVITIES OF THE CHARTER REVIEW COMMISSION.

Mr. Harold Heiple, Chairman of the Charter Review Commission, said at the last Charter Review Commission meeting on June 6, 2013, the Commission voted, by a vote of 11 to 1, to approve a recommendation with respect to eliminating the provision in the Charter which requires a vote of the people in order to change the utility rates. He said the second public hearing was Thursday, June 27, 2013, and thanks to some publicity from The Norman Transcript, there was a turnout. He said the main topic was the Charter requirements for the Reapportionment Commission and it was the unanimous recommendation of the Commission that this section of the Charter be totally rewritten. He said the requirement that the Reapportionment Commission meet once a year would be changed to once every ten years with the provision that a meeting be held if there is annexation or deannexation of land or if something significant is changed by the City Council, then an ad hoc committee could be appointed to look at ward distribution. He said these provisions were added in the mid-1970's, when the Ward System was adopted and the utility rate provisions were inserted, because in those days, one man, one vote was a very prominent sentiment. He said the language was far overreaching and the results are that over the last ten years the Reappointment Commission has been required to file an annual report by a specified date and time when it is never known when the census figures will be received. Mr. Heiple said in the public meeting on June 27th, he expressed personal comments and not the comments of the committee. He said regarding the vote on the utility rate situation, he said the Commission chose not to address a percentage increase because to accommodate a city of 140,000 or more in population, Norman is going to have to get water from somewhere outside the boundaries of Norman and part of that water is going to have to come from Southeast Oklahoma which will cost hundreds of millions of dollars and Norman is not big enough to do it by themselves. He said years ago the City of Oklahoma City put itself in the position to supply that water, but now they insist that any consortium have governing bodies that are free to step up to the plate with whatever financially is needed. He emphasized that these are his own words and not those of the Commission and it was not voted on by the Commission.

He listed those who attended the Public Meeting and asked questions and said virtually everyone who was present is opposed to removing the rate vote requirement from the City Charter. He said this is understandable because it has been a popular topic in the 25 years that is has been on the books. He said people who might be persuaded to vote to remove the stipulation from the Charter have not been asked to even consider it. He said it is certainly possible that a majority of the voters would vote to remove it but it will take an educational process.

He said Staff is coming back to the Charter Commission meeting in September with specific language to cover the Reapportionment Commission section. He said all eight items have been discussed and now the Charter Commission needs to go back through and take a final vote on each item and bring those recommendations to Council.

Mr. Jeff Bryant, City Attorney, said there was one more item to be discussed and that would be whether language should be added to include a scheduled review of the Charter.

Councilmember Kovach said when Council created the Commission, one of the items discussed was that if the Commission had items that had not be resolved or discussed that they could get approval from Council to continue. He asked would the Commission continue to meet to discuss these items before a recommendation was brought forward to Council. Mr. Bryant said the Commission would bring a report back to Council and if there was anything further to be discussed or if additional items came up that the Commission wanted to discuss, they would ask Council for additional time by amending the resolution.

Mr. Heiple said at the organizational meeting, the Commission was directed to go through all eight items, bring them back and after that if there were additional items to be discussed, the Commission could ask Council for additional time to discuss them. Councilmember Kovach asked if the final report only include the items that were voted on or would it also include the items that needed further discussion.

Item 1, continued:

Councilmember Jungman asked what the timeline was. Mr. Heiple said the Commission would meet in September and he expected to have the results by October. He said the Commission was asked to have their report done in a year, which is December. He said the Commission meetings were one hour long and this Commission had been able to get quite a bit done during that time. Councilmember Jungman asked if there are any requirements that state when the Commission ends. Mr. Bryant said there is a provision in the resolution, Section 8G, that the Commission's term will last no longer than one year with the Commission holding only no more than one meeting each month, provided that the term can be extended on a quarterly basis at the request of the Commission and upon approval of Council.

Mayor Pro Tem Griffith asked if there was any discussion regarding the possibility a minimal rate increase without a vote of the people versus an unlimited rate increase. Mr. Heiple said the mandate the Commission was given was to come back with a recommendation as to the question "should the Charter be amended to allow the City Council to increase up to 3% in a year without a vote of the people." He said it was an almost unanimous consensus that the percentage option would not work because there is no way to know what is adequate or not, not if you are looking at a long-range plan. He said the Commission had three options, (1) Do nothing, (2) Take it completely out of the charter, and (3) Should the people authorize the Council to do it. He said Council suggested 3% and no one could pin down a precise figure to solve the long-range problem. Councilmember Kovach added for a point of clarification, this option originated from another Citizens Committee even though it was sent by Council. Mr. Heiple said he had been a member of a group that is in favor of giving City Council that authority and that was before the City got into the problem with a long range water plan. He said to run an operation, the governing body at least needs the ability to raise cost of living expenses. The Commission made the decision to take the whole thing out based on the situation. He said that does not take Council's power to come right back and say we will submit to the people the question of should it be done.

Mr. Joy Hampton, The Norman Transcript, said she attended the meetings and wanted to affirm that the Commission had looked at 4% and 5%, they crunched numbers and there had been much discussion. She said the Commission had been in unanimous agreement except for one person but that person thought voters could vote on it. She said it was important that everyone know it was not just the developers pushing that idea.

Mayor Pro Tem expressed his gratitude for the effort the Commission has been making and the progress that has come forward.

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Item 2, being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION TO DISCUSS THE FOLLOWING:

AS AUTHORIZED BY OKLAHOMA STATUTES, TITLE 25 §307(B)(4) TO DISCUSS POSSIBLE AND PENDING LITIGATION IN THE CASE *HODGE V. KEENE, WESTERN DISTRICT OF OKLAHOMA CIV-2010-1283D; TENTH CIRCUIT CASE 2013-6047.*

AS AUTHORIZED BY OKLAHOMA STATUTES, TITLE 25 §307(B)(4) TO DISCUSS POSSIBLE LITIGATION AND TO DISCUSS THE ACQUISITION OF REAL PROPERTY AS AUTHORIZED BY TITLE 25 §307(B)(3) OF RIGHT-OF-WAY IN CONNECTION WITH THE CEDAR LANE WIDENING PROJECT BETWEEN 12TH AVENUE S.E. AND ONE-EIGHTH MILE EAST OF 24TH AVENUE S.E. AND THE FRANKLIN ROAD BRIDGE REPLACEMENT PROJECT:

CITY OF NORMAN VS. TIETSORT REVOCABLE TRUST (CJ-2013-775)
CITY OF NORMAN VS. III MOORE, LTD. (CJ-2013-776)
CITY OF NORMAN VS. CHRISTOPHER ARMSTRONG (CJ-2013-777)
CITY OF NORMAN VS. JAMES AND DOROTHY ARMSTRONG (CJ-2013-778)
CITY OF NORMAN VS. WILEY AND BARBARA MADOLE (CJ-2013-779)

Councilmember Kovach moved that the Special Session be adjourned out of and an Executive Session be convened in order to discuss potential and pending litigation in the cases as stated above and to discuss the acquisition of real property of right-of-way in connection with the Cedar Lane Widening Project between 12th Avenue S.E. and one-eighth mile east of 24th Avenue S.E., which motion was duly seconded by Councilmember Williams; and the question being upon adjourning out of the Special Session and convening an Executive Session, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Heiple, Holman, Kovach, Miller, Williams, Mayor Pro Tem Griffith
NAYES:	None

Item 2, continued:

The Mayor Pro Tem declared the motion carried and the Special Session adjourned out of; and an Executive Session was convened in order to discuss potential and pending litigation in the cases as stated above and to discuss the acquisition of real property of right-of-way in connection with the Cedar Lane Widening Project between 12th Avenue S.E. and one-eighth mile east of 24th Avenue S.E.

The City Council adjourned into Executive Session at 6:50 p.m. Mr. Steve Lewis, City Manager; Mr. Jeff Bryant, City Attorney; Mr. Rick Knighton, Assistant City Attorney; Ms. Leah Messner, Assistant City Attorney; and Mr. Shawn O'Leary, Director of Public Works, were in attendance at the Executive Session.

Mayor Pro Tem Griffith acknowledged return to Open Session.

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

YEAS:	Councilmembers Castleberry, Heiple, Holman, Kovach, Miller, Williams, Mayor Pro Tem Griffith
NAYES:	None

The Mayor declared the motion carried and the Special Session was reconvened at 7:28 p.m.

The Mayor Pro Tem said potential and pending litigation in the cases as stated above and potential and pending litigation in the cases as stated above and the acquisition of real property of right-of-way in connection with the Cedar Lane Widening Project between 12th Avenue S.E. and one-eighth mile east of 24th Avenue S.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 Kovach moved that the meeting be adjourned, which motion was duly seconded by Councilmember Holman; and the question being upon adjournment of the meeting, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Heiple, Holman, Kovach, Miller, Williams, Mayor Pro Tem Griffith
NAYES:	None

The Mayor Pro Tem declared the motion carried and the meeting was adjourned at 7:30 p.m.

ATTEST:

City Clerk

Mayor