CITY COUNCIL SPECIAL SESSION MINUTES

June 7, 2016

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Special Session at 7:40 p.m. in the Municipal Building Conference Room on the 7th day of June, 2016, 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.

PRESENT: Councilmembers Allison, Castleberry, Heiple, Holman, Jungman, Lang, Miller, Williams, and Mayor Rosenthal

ABSENT: None

Item 1, being:

CONSIDERATION OF ORDINANCE O-1516-40 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA ADDING SECTION 21-118 OF CHAPTER 21 OF THE CODE OF ORDINANCES OF THE CITY OF NORMAN, OKLAHOMA, CONTINGENT ON VOTER APPROVAL OF ORDINANCE NO. O-1516-41, ESTABLISHING THE MONTHLY FEES TO FUND A STORMWATER UTILITY FOR ALL OWNERS OF CONTIGUOUS PARCEL(S) IN THE CITY OF NORMAN THAT CONTAIN ANY IMPERVIOUS SURFACE AT THE RATE OF: THREE DOLLARS AND FIFTY CENTS ($3.50) FOR IMPERVIOUS SURFACE OF LESS THAN TWO THOUSAND SQUARE FEET; AT THE RATE OF FOUR DOLLARS AND TWENTY-FIVE CENTS ($4.25) FOR IMPERVIOUS SURFACE OF TWO THOUSAND SQUARE FEET BUT LESS THAN THREE THOUSAND SQUARE FEET; AT THE RATE OF FIVE DOLLARS AND SEVENTY-FIVE CENTS ($5.75) FOR IMPERVIOUS SURFACE OF THREE THOUSAND SQUARE FEET BUT LESS THAN FOUR THOUSAND SQUARE FEET; AT THE RATE OF EIGHT DOLLARS ($8.00) FOR IMPERVIOUS SURFACE OF FOUR THOUSAND SQUARE FEET BUT LESS THAN FIVE THOUSAND FIVE HUNDRED SQUARE FEET; AT THE RATE OF TEN DOLLARS AND TWENTY-FIVE CENTS ($10.25) FOR IMPERVIOUS SURFACE OF FIVE THOUSAND FIVE HUNDRED SQUARE FEET BUT LESS THAN SIX THOUSAND FIVE HUNDRED SQUARE FEET; AT THE RATE OF THIRTEEN DOLLARS ($13.00) FOR IMPERVIOUS SURFACE OF SIX THOUSAND FIVE HUNDRED SQUARE FEET BUT LESS THAN EIGHT THOUSAND SQUARE FEET; AT THE RATE OF FIFTEEN DOLLARS ($15.00) FOR IMPERVIOUS SURFACE OF EIGHT THOUSAND SQUARE FEET BUT LESS THAN ELEVEN THOUSAND SQUARE FEET; AT THE RATE OF SIX DOLLARS ($6.00) FOR EACH THREE THOUSAND SIX HUNDRED SQUARE FEET FOR IMPERVIOUS SURFACE OF ELEVEN THOUSAND SQUARE FEET OR GREATER; PROVIDING FOR A MAXIMUM CHARGE OF SIX HUNDRED FORTY DOLLARS ($640.00) FOR A PARCEL OWNED BY A PUBLIC ENTITY; PROVIDING A TWENTY-FIVE PERCENT (25%) REDUCTION IN RATE FOR QUALIFYING LOW-INCOME RESIDENCES; CHANGING THE TITLE OF ARTICLE V TO STORMWATER UTILITY; AMENDING SECTION 21-501 AND ADDING SECTIONS 21-502, 21-503 AND 21-504; PROVIDING AN ADMINISTRATIVE APPEALS PROCESS TO CONSIDER CALCULATION OF IMPERVIOUS SURFACE FOR A PARTICULAR PARCEL; PROVIDING FOR THE GRANTING OF A RATE REDUCTION TO PUBLIC SCHOOLS IN ACCORDANCE WITH POLICIES TO BE ADOPTED BY CITY COUNCIL; ADDING ARTICLE VI ENTITLED PENALTY AND SECTION 21-601 PROVIDING PENALTIES FOR VIOLATIONS OF THE CHAPTER; PROVIDING AN EFFECTIVE DATE FOR SAID FEES SUBJECT TO VOTER APPROVAL; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance O-1516-40 having been Introduced and adopted upon First Reading by title in City Council's meeting of May 10, 2016 and having been postponed on May 24, 2016, until June 7, 2016, Councilmember Miller moved that Ordinance O-1516-40 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Heiple;

Items submitted for the record

1. Text File O-1516-40 dated May 5, 2016, by Shawn O'Leary, Director of Public Works
2. Ordinance O-1516-40
3. Legislatively notated copy of Ordinance O-1516-40

Participants in discussion

1. Mr. Anthony Francisco, Finance Director

Thereupon, Councilmember Miller moved that Ordinance O-1516-40 be amended to reflect the language included in the document submitted by the City Attorney's Office with the header "Substitute Language (other than rates and caps)" to address the textual amendments discussed by Council at the May 24th and June 2nd meetings as follows:

Item 1, continued:

1. Clarify language to allow the Storm Water rate assessed to a parcel to be presumptively billed to the holder of the City of Norman Utility account. City will bill someone other than the utility account holder such as a tenant, owner, or other responsible person upon receipt of proper documentation. ***See Section 21-118(a) and Section 21-502(5)***

2. Clarify definition of Governmental agency to exclude the University of Oklahoma and provide for a negotiated agreement considering impervious surface and efforts toward their own MS4 permit. ***See Section 21-502(2) and Section 21-503(7)***

3. Clarify the appeals process is available to those who would like their rate calculation reviewed. ***See Section 21-503(7)***

4. Incorporate language to allow credit for best practices and LID practices in accordance with City Council adopted policy and allow credit up to 100% for schools providing educational programs related to improving water quality or conservation in accordance with City Council adopted policy. ***See Section 21-503(8) and (11).***

5. Included language to provide for the City Manager to identify and prioritize capital improvement or enhanced maintenance projects as funding would allow for Council consideration as a way to assist Homeowner Associations with their issues. And clarifying that the City Manager would recommend a comprehensive stormwater management program that includes recommendations to policies for capital improvements, enhanced maintenance, cost sharing, and assistant to property owner associations and individual property owners. ***See Section 21-503(9) and (10).***

6. Delay the Effective date for application of the rate structure to July 1, 2017, for public schools (K to 12th grade) and for entities qualifying under 501(c)(3) of the IRS Code. ***See Section 17***.

7. Acquisition of Access easements for not more than $1 to qualify for expenditure of Stormwater Utility Fund money for that particular parcel. ***Section 21-504.***

8. Change all references to "charges" or "fees" to "rates";

which motion was duly seconded by Councilmember Heiple,

Participants in discussion
1. Mr. Scott Sturtz, City Engineer
2. Mr. Charlie Thomas, Capital Projects Engineer
3. Ms. Sereta Wilson, 10400 East Highway 9, proponent
4. Ms. Jayne Crumpley, 423 Elm Avenue, asked questions
5. Mr. Will Mattoon, 225 North Peters Avenue, made comments
6. Mr. Casey Holcomb, 1923 Crystal Circle, made comments
7. Mr. Harold Haralson, 516 Avon Drive, asked questions
8. Mr. Roger Gallagher, 2513 Woodsong Drive, asked questions
9. Ms. Joy Hampton, The Norman Transcript, 215 East Comanche Street, asked questions

and the question being upon amending Ordinance O-1516-40 as stated above to reflect the language included in the document submitted by the City Attorney's Office with the header "Substitute Language (other than rates and caps)" to address the textual amendments discussed by Council at the May 24th and June 2nd meetings, a vote was taken with the following result:

YEAS:	Councilmembers Heiple, Holman, Jungman, Karjala, Miller, Mayor Rosenthal
NAYES:	Councilmembers Allison, Castleberry, and Lang

The Mayor declared the motion carried and Ordinance O-1516-40 was amended as stated above to reflect the language included in the document submitted by the City Attorney's Office with the header "Substitute Language (other than rates and caps)" to address the textual amendments discussed by Council at the May 24th and June 2nd meetings.

Item 1, continued:

Thereupon, Councilmember Holman moved that Ordinance O-1516-40, as amended, be further amended to reflect an administrative fee for the Storm Water Utility of $1.00 plus a rate of $1.25 per 1,000 square feet of impervious surface, as reflected in the language included in the document submitted to the City Attorney's Office with the header "Administrative fee of $1 plus $1.25 per square feet – Amendments to Substitute" as follows:

Amendments to Title;

Amendment to Section 9 to clarify a cap for schools and 501(c)(3)s;

Amendment to Section 21-118 to set the rate as noted and striking references to $640 cap in (d);

Amendment to Section 21-502 striking the definition of "ERU" and "Government agency";

Striking other references to caps

which motion was duly seconded by Councilmember Heiple,

Participants in discussion

1. Mr. Harold Haralson, 516 Avon Drive, asked questions
2. Mr. Jeff Bryant, City Attorney
3. Mr. Mike Rainer, 4705 Augusta Drive, made comments
4. Mr. Brent Smith, 2807 Castlewood Drive, asked questions
5. Mr. Steve Lewis, City Manager
6. Mr. Will Mattoon, 225 North Peters Avenue, asked questions
7. Ms. Karen Chapman, 1105 Idaho Street, proponent
8. Ms. Karen Schutjer, 208 Chautauqua Avenue, proponent
9. Ms. Jayne Crumpley, 423 Elm Avenue, asked questions
10. Mr. Steve Ellis, 633 Reed Avenue, proponent
11. Ms. Joy Hampton, The Norman Transcript, 215 East Comanche Street, asked questions
12. Ms. Nadine Jewell, 2426 Brentwood Drive, made comments
13. Mr. John Woods, 5608 Windstone Drive, made comments
14. Ms. Cindy Rogers, 633 Reed Avenue, proponent
15. Mr. Bill Hickman, 507 Macy Street, proponent
16. Mr. Trey Bates, 3720 Timberidge Drive, made comments

and the question being upon amending Ordinance O-1516-40, as amended, as stated above to reflect an administrative fee for the Storm Water Utility of $1.00 plus a rate of $1.25 per 1,000 square feet of impervious surface, as reflected in the language included in the document submitted to the City Attorney's Office with the header "Administrative fee of $1 plus $1.25 per square feet – Amendments to Substitute", a vote was taken with the following result:

YEAS:	Councilmembers Heiple, Holman, Jungman, Karjala, Miller, Mayor Rosenthal
NAYES:	Councilmembers Allison, Castleberry, and Lang

The Mayor declared the motion carried and Ordinance O-1516-40, as amended, was further amended as stated above to reflect an administrative fee for the Storm Water Utility of $1.00 plus a rate of $1.25 per 1,000 square feet of impervious surface, as reflected in the language included in the document submitted to the City Attorney's Office with the header "Administrative fee of $1 plus $1.25 per square feet – Amendments to Substitute".

Thereupon, Councilmember Allison moved that Ordinance O-1516-40, as amended, be further amended to reflect an administrative fee for the Storm Water Utility of $1.00 plus a rate of $1.00 per 1,000 square feet of impervious surface, which motion was duly seconded by Councilmember Castleberry;

Item 1, continued:

Participants in discussion

1. Mr. Scott Sturtz, City Engineer
2. Mr. Steve Ellis, 633 Reed Avenue, protestant
3. Ms. Sereta Wilson, 10400 East Highway 9, protestant
4. Mr. Bill Hickman, 507 Macy Street, made comments

and the question being upon further amending Ordinance O-1516-40, as amended, to reflect an administrative fee for the Storm Water Utility of $1.00 plus a rate of $1.00 per 1,000 square feet of impervious surface, a vote was taken with the following result:

YEAS:	Councilmembers Allison, Castleberry, and Lang
NAYES:	Councilmembers Heiple, Holman, Jungman, Karjala, Miller, Mayor Rosenthal

The Mayor declared the motion failed and Ordinance O-1516-40, as amended, was not further amended to reflect an administrative fee for the Storm Water Utility of $1.00 plus a rate of $1.00 per 1,000 square feet of impervious surface.

Thereupon, Councilmember Holman moved that Ordinance O-1516-40, as amended, be further amended to place a cap of $300 on all public institutions. The motion dies due to lack of second.

and the question being upon adopting Ordinance O-1516-40, as amended, upon Second Reading section by section, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Heiple, Holman, Jungman, Karjala, Miller, Mayor Rosenthal
NAYES:	Councilmembers Allison and Lang

The Mayor declared the motion carried and Ordinance O-1516-40, as amended, was adopted upon Second Reading section by section.

Thereupon, Councilmember Heiple moved that Ordinance O-1516-40, as amended, be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Holman; and the question being upon adopting Ordinance O-1516-40, as amended, upon Final Reading as a whole, the roll was called with the following result:

YEAS:	Councilmembers Heiple, Holman, Jungman, Karjala, Miller, Mayor Rosenthal
NAYES:	Councilmembers Allison and Lang

The Mayor declared the motion carried and Ordinance O-1516-40, as amended, was adopted upon Final Reading as a whole.

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Item 2, being:

CONSIDERATION OF ORDINANCE O-1516-41 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF NORMAN, COUNTY OF CLEVELAND, STATE OF OKLAHOMA, ON THE 23RD DAY OF AUGUST, 2016, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED VOTERS OF THE CITY OF NORMAN THE QUESTION OF APPROVING OR REJECTING ORDINANCE O-1516-40 WHICH ORDINANCE ADDS SECTION 21-118 OF CHAPTER 21 OF THE CODE OF ORDINANCES OF THE CITY OF NORMAN, OKLAHOMA, CONTINGENT ON VOTER APPROVAL OF ORDINANCE O-1516-41 ESTABLISHING THE MONTHLY FEES TO FUND A STORMWATER UTILITY FOR ALL OWNERS OF CONTIGUOUS PARCEL(S) IN THE CITY OF NORMAN THAT CONTAIN ANY IMPERVIOUS SURFACE AT THE RATE OF: THREE DOLLARS AND FIFTY CENTS ($3.50) FOR IMPERVIOUS SURFACE OF LESS THAN TWO THOUSAND SQUARE FEET; AT THE RATE OF FOUR DOLLARS AND TWENTY-FIVE CENTS ($4.25) FOR IMPERVIOUS SURFACE OF TWO THOUSAND SQUARE FEET BUT LESS THAN THREE THOUSAND SQUARE FEET; AT THE RATE OF FIVE DOLLARS AND SEVENTY-FIVE CENTS ($5.75) FOR IMPERVIOUS SURFACE OF THREE THOUSAND SQUARE FEET BUT LESS THAN FOUR THOUSAND SQUARE FEET; AT THE RATE OF EIGHT DOLLARS ($8.00) FOR IMPERVIOUS SURFACE OF FOUR THOUSAND SQUARE FEET BUT LESS THAN FIVE THOUSAND FIVE HUNDRED SQUARE FEET; AT THE RATE OF TEN DOLLARS AND TWENTY-FIVE CENTS ($10.25) FOR IMPERVIOUS SURFACE OF FIVE THOUSAND FIVE HUNDRED SQUARE FEET BUT LESS THAN SIX THOUSAND FIVE HUNDRED SQUARE FEET; AT THE RATE OF THIRTEEN DOLLARS ($13.00) FOR IMPERVIOUS SURFACE OF SIX THOUSAND FIVE HUNDRED SQUARE FEET BUT LESS THAN EIGHT THOUSAND SQUARE FEET; AT THE RATE OF FIFTEEN DOLLARS ($15.00) FOR IMPERVIOUS SURFACE OF EIGHT THOUSAND SQUARE FEET BUT LESS THAN ELEVEN THOUSAND SQUARE FEET; AT THE RATE OF SIX DOLLARS ($6.00) FOR EACH THREE THOUSAND SIX HUNDRED SQUARE FEET FOR IMPERVIOUS SURFACE OF ELEVEN THOUSAND SQUARE FEET OR GREATER; PROVIDING FOR A MAXIMUM CHARGE OF SIX HUNDRED FORTY DOLLARS ($640.00) FOR A PARCEL OWNED BY A PUBLIC ENTITY; PROVIDING A TWENTY-FIVE PERCENT (25%) REDUCTION IN RATE FOR QUALIFYING LOW-INCOME RESIDENCES; CHANGING THE TITLE OF ARTICLE V TO STORMWATER UTILITY; AMENDING SECTION 21-501 AND ADDING SECTIONS 21-502, 21-503 AND 21-504; PROVIDING AN ADMINISTRATIVE APPEALS PROCESS TO CONSIDER CALCULATION OF IMPERVIOUS SURFACE FOR A PARTICULAR PARCEL; PROVIDING FOR THE GRANTING OF A RATE REDUCTION TO PUBLIC SCHOOLS IN ACCORDANCE WITH POLICIES TO BE ADOPTED BY CITY COUNCIL; ADDING ARTICLE VI ENTITLED PENALTY AND SECTION 21-601 PROVIDING PENALTIES FOR VIOLATIONS OF THE CHAPTER; PROVIDING AN EFFECTIVE DATE FOR SAID FEES SUBJECT TO VOTER APPROVAL; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance O-1516-41 having been Introduced and adopted upon First Reading by title in City Council's meeting of May 10, 2016 and having been postponed on May 24, 2016, until June 7, 2016, Councilmember Heiple moved that Ordinance O-1516-41 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Holman;

Items submitted for the record

1. Text File O-1516-41 dated May 5, 2016, by Shawn O'Leary, Director of Public Works
2. Ordinance O-1516-41
3. Special Election Proclamation and Notice of Election

Thereupon, Councilmember Jungman moved that Ordinance O-1516-41 be amended to conform to the documents provided entitled "O-1516-41 Substitute Language" and to the amendments to O-1516-40, which motion was duly seconded by Councilmember Heiple,

Participants in discussion

1. Mr. Jeff Bryant, City Attorney

Item 2, continued:

and the question being upon amending Ordinance O-1516-41 to conform to the documents provided entitled "O-1516-41 Substitute Language" and to the amendments to O-1516-40, a vote was taken with the following result:

YEAS:	Councilmembers Heiple, Holman, Jungman, Karjala, Lang, Miller, Mayor Rosenthal
NAYES:	Councilmembers Allison and Castleberry

The Mayor declared the motion carried and Ordinance O-1516-41 was amended to conform to the documents provided entitled "O-1516-41 Substitute Language" and to the amendments to O-1516-40.

and the question being upon adopting Ordinance O-1516-41, as amended, upon Second Reading section by section, a vote was taken with the following result:

YEAS:	Councilmembers Heiple, Holman, Jungman, Karjala, Miller, Mayor Rosenthal
NAYES:	Councilmembers Allison, Castleberry, and Lang

The Mayor declared the motion carried and Ordinance O-1516-41, as amended, was adopted upon Second Reading section by section.

Thereupon, Councilmember Heiple moved that Ordinance O-1516-41, as amended, be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Holman; and the question being upon adopting Ordinance O-1516-41, as amended, upon Final Reading as a whole, the roll was called with the following result:

YEAS:	Councilmembers Heiple, Holman, Jungman, Karjala, Miller, Mayor Rosenthal
NAYES:	Councilmembers Allison, Castleberry, and Lang

The Mayor declared the motion carried and Ordinance O-1516-41, as amended, was adopted upon Final Reading as a whole.

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Item 31, being:

RESOLUTION R-1516-126: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, GIVING THE SECRETARY OF THE CLEVELAND COUNTY ELECTION BOARD NOTICE OF A SPECIAL ELECTION TO BE HELD ON AUGUST 23, 2016.

Councilmember Heiple moved that Resolution R-1516-126 be adopted, which motion was duly seconded by Councilmember Karjala;

Items submitted for the record
1. Text File R-1516-126 dated May 17, 2016, by Brenda Hall, City Clerk
2. Resolution R-1516-126

Thereupon, Councilmember Heiple moved that Resolution R-1516-126 be amended to change the date of adoption from May 24, 2016, to June 7, 2016, which motion was duly seconded by Councilmember Karjala;

Participants in discussion
1. Mr. Jeff Bryant, City Attorney

Item 5, continued:

and the question being upon amending Resolution R-1516-126 to change the date of adoption from May 24, 2016, to June 7, 2016, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Heiple, Holman, Jungman, Karjala, Lang, Miller, Mayor Rosenthal
NAYES:	Councilmember Allison

The Mayor declared the motion carried and Resolution R-1516-126 was amended to change the date of adoption from May 24, 2016, to June 7, 2016.

and the question being upon adopting Resolution R-1516-126, as amended, a vote was taken with the following result:

YEAS:	Councilmembers Heiple, Holman, Jungman, Karjala, Miller, Mayor Rosenthal
NAYES:	Councilmembers Allison, Castleberry, and Lang

The Mayor declared the motion carried and Resolution R-1516-126, as amended, was adopted.

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ADJOURNMENT

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

YEAS:	Councilmembers Allison, Castleberry, Heiple, Holman, Jungman, Lang, Miller, Williams, and Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the meeting was adjourned at 10:25 p.m.

ATTEST:

Brenda Hall
City Clerk

CITY OF NORMAN CORPORATE SEAL OKLAHOMA

Cindy Rosenthal
Mayor