

CITY COUNCIL STUDY SESSION MINUTES

June 7, 2016

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a Study Session at 4:00 p.m. in the Municipal Building Conference Room on the 7th day of June, 2016, 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 24 hours prior to the beginning of the meeting.

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

ABSENT: None

Item 1, being:

PRESENTATION BY WATERS EDGE DESIGN CONSULTANTS OF THE WESTWOOD FAMILY AQUATIC CENTER DESIGN DEVELOPMENT PLANS.

Mr. Steve Lewis, City Manager, said the City is at a major milestone with 60% of the design development completed for the Westwood Family Aquatic Center (WFAC) project and said the Westwood Ad Hoc Advisory Group has met numerous times, most recently last night, June 6, 2016, for the presentation of the 60% design development phase for the WFAC. Mr. Lewis said if Council advances this project tonight it will be moving into the construction phase, i.e., drawings, specifications, bid documents, final estimate, etc., and the next opportunity for Council to see the WFAC project will be when the contract is awarded.

Mr. Jud Foster, Director of Parks and Recreation, introduced Mr. David Schwartz, Waters Edge Aquatic Design; Mr. Rick McKinney and Mr. Buddy Caldwell, The McKinney Partnership; and Mr. Kyle Lombardo and Mr. Mike Mize with ADG. He asked Mr. McKinney to begin tonight's presentation and highlight the site plan area as well as the designs for the bath and pump houses.

Bathroom and Concessions Areas

Mr. McKinney said the existing parking lot will be rotated 90 degrees and the new parking lot will provide 191 spaces including handicapped, which will replace the 94 existing spaces within the south half of the Westwood parking lot. He said space has also been set aside for an additional 40 spaces when required.

Mr. McKinney highlighted the proposed building exteriors stating they will be a low-maintenance integral-color block with some striations; a Kynar finish roof with exhaust louvers; a portal that would frame the water slides in the background; and distorted glass block on both sides of the men's and women's bathrooms, as well as skylights to allow natural light. He highlighted the bathhouse toilet and shower facilities stating the showers will be floor-mounted and toilet stalls shall be molded High Density Polyethylene (HDPE) plastic for durability and cleaning. Mr. McKinney said the interior ceilings will have a vaulted section of ceiling with two (2) 4x4 skylights in each shower room, the floor finish shall be a uniform broom finished concrete; and exterior patron lockers will be non-metallic on a concrete curb above any standing water.

Mr. McKinney said the concessions and administration areas are located on the other side of the bathhouse and portal and will have a conventional split-system heat pump within a central mechanical/electrical (M/E) closet. He said fire sprinklers are not required and ceilings will be suspended acoustical tile. Mr. McKinney said the flooring will be vinyl in the office and concrete elsewhere. Lockers shall be half-high and shared between life guards.

Mr. Caldwell highlighted the exterior views of the bathhouse and concession areas depicting the portal on the front; the concession, lockers, and storage areas on the backside of the building; pool access; and benches and bicycle parking along the front.

Item 1, continued:

Water Features at Westwood Family Aquatic Center

Mr. Schwartz said the largest feature is the lap pool, with six (6) 50-meter swimming lanes and eight (8) 25-yard swimming lanes. He said the water depths range from 13.5 feet to 3.5 feet and there are two (2) diving platforms; a one-meter springboard and a three-meter diving platform in the rockscape. Mr. Schwartz said there is a rockscape climbing wall at the diving area; an American Disability Act (ADA) ramp entry to the lap pool; family slide; basketball goal; underwater seat with therapy jets; and volleyball net and anchors. He said the pool design includes two (2) "placeholders" to install a future open body water slide and/or drop slide.

Mr. Schwartz said another large feature is the lazy river, which is combined with the water slide plunge pool. He said the lazy river is 445 feet in length; has water depths of three (3) feet to 3.5 feet; stair entry with ADA transfer seat and handrail; rockscape with waterfalls; plunge area for two (2) water slides; and water walk along the river. Mr. Schwartz said there is a proposed ADA ramp bridge that will be constructed over the lazy river, taking patrons to the "island" area.

A shallow recreation pool is separate from the lazy river and key features include zero depth entry area; water depths of zero to 2.5 feet; spray features and bubblers; play features; tall feature with dumping buckets; seats in pool with shade structures; and a toddler slide.

A wet deck area is planned for an interactive play structure and key features include no depth of standing water; water is recirculated and treated; and play feature with several features, i.e., small slides with runouts, raised platforms, dumping buckets, sprays, and climbing features.

Councilmember Miller asked what the surface will be at the WFAC and said she hopes the concrete surface will be one that keeps people from slipping, i.e., children running from pool feature to pool feature. Mr. Schwartz said the pool walls and floors will be coated with three (3) coats of epoxy paint inside the pools and non-slip surfaces, i.e., very specific medium broom finish, will be provided on the gutter top surface, all stair treads and floors.

Councilmember Castleberry asked whether the concrete surfaces will be cooled so patrons will not "burn" their feet and Mr. Schwartz said special coatings can be applied to the concrete surface; however, that is not currently budgeted. He said cool deck coatings would double the costs and the rough, stucco-like surface will catch dirt. He said typically a power washer is used to remove the dirt and over time the coating will begin peeling. Mr. Schwartz said he would recommend and has included irrigation misters along the (walking) paths in the proposal.

Mr. Schwartz said maintaining clean and clear pool water is critical and must be maintained 24 hours a day during the summer season. He said the filter room will be 102 feet long, have seven (7) filters, and 16 pumps and stated each pool will have separate systems, i.e., different Power of Hydrogen (pH), chlorine, organic loads, and temperatures. Mr. Schwartz said all the pumps will be set below grade to provide flooded suction, which eliminates the need to prime the pumps.

Landscape has yet to be determined and types to consider are raised-wall type and/or flush landscape. He said people tend to walk through the flush landscape. He said cobbles/rocks can be placed in them but children tend to throw rocks. The raised-wall landscaping will be seat height and wide enough to sit on, include irrigated landscaping, and can also act as barriers to funnel foot traffic.

Budget

Mr. Schwartz said the proposed WFAC budget is \$10,478,800 and to meet that figure, several items had to be removed, i.e., additional parking, starting platforms, additional shade, and lap pool heating. He said the budget also includes a 10% bidding and construction contingency of \$947,200; therefore, the contingency can be utilized if not used. A contingency allows for high(er) bids and/or if the City of Norman desires to add more alternatives to the proposed WFAC.

Item 1, continued:

Next Steps

Mr. Schwartz said the next steps include recommending a demolition contract/permit which will take place before the actual WFAC bids go out rather than having to wait. He said doing this will allow demolition work to begin two (2) to three (3) weeks prior to the WFAC bids and also allow time for the construction documents to be completed.

Councilmember Castleberry asked whether the contractor's project and overhead included ADG fees and Mr. Schwartz said ADG was for construction only and is separate. Mr. Schwartz said the overhead is generally 15%, but could be less once the bids start coming in.

Councilmember Jungman asked whether the Summer of 2017 meant June, 2017 or July, 2017 and Mr. Schwartz said it will depend a great deal on the weather and how aggressive the contractor will be to construct and complete the project as well as the ability to mobilize a large crew in order to work on the project.

Mayor Rosenthal said the WFAC proposal looks great and appreciates the input from the Ad Hoc Group at last night's meeting.

Councilmember Allison asked whether the City is still working with the State to get fences removed around the pools and Mr. Schwartz said he works with the State all the time with the same goal in mind – health and safety. Mr. Schwartz said the State must enforce their standards and requirements and although he cannot answer with a definitive yes or no, he felt the State was doing their best possible regarding the fencing features. He said the issue is the little children in the wading pool area trying to get into the deep(er) water pool areas and the State may require a four (4) foot fence with self-latching gates be installed.

Mayor Rosenthal asked what additional State reviews still need to be accomplished and Mr. Schwartz said the State will need to approve the complete construction documents including the specifications. He said the Federal Aviation Administration (FAA) and State of Oklahoma Aeronautical Commission will need to approve the height of the structures and lights poles due to the vicinity of the WFAC and Max Westheimer Airport.

Mr. McKinney said the Public Arts Board has been contacted about designing a central directory for the WFAC as well as the possibility for public art in the form of murals along the wall of the pump house and portal entry.

Items submitted for the record

1. PowerPoint presentation entitled Norman Forward, 60% Design Development Westwood Family Aquatic Center, dated June 6-7, 2016
2. Westwood Family Aquatic Center 2016, Pool Layout
3. Westwood Family Aquatic Center, Site, Bath House, and Filter Building Design Development Narrative, presented by The McKinney Partnership, dated June 3, 2016
4. Design Development Narrative, Westwood Family Aquatic Center, presented by Waters Edge Aquatic Design, dated June 3, 2016
5. Norman OK Westwood Family Aquatic Center total project cost, dated June 3, 2016

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Item 2, being:

CONTINUED DISCUSSION REGARDING THE CREATION OF A STORM WATER UTILITY.

Mayor Rosenthal said after the Council study session meeting held on June 2, 2016, regarding the creation of a Storm Water Utility (SWU) meeting, Council heard from several constituents regarding the rate structure discussed by Council. She said some of the comments included a desire for more fairness, a desire for less complexity, and a proposal that would be easier for voters to read at the ballot box. She said in response to the comments Councilmember Miller and herself would like to ask Council to consider a new approach that they believe reduces administrative complexity, increases the simplicity of the proposal, addresses the fairness issues, provides relief for schools and not for profit organizations, and provides for reasonable cap options for many of our larger employers or public institutions.

Mayor Rosenthal said the proposal is a rate of \$1.50 applied to every 1,000 square feet of impervious surface and there would also be a \$1.00 SWU Administrative Fee applied to all developed parcels in addition to the SWU rate. She said the SWU Administrative Fee recognizes fixed costs not tied to impervious surface such as Geographical Information Systems (GIS) access, stormwater public education efforts, administrative and billing costs. Mayor Rosenthal said the proposal would provide a \$300 cap for schools and 501(c)(3) organizations, such as not for profits organizations and churches as well as provide a maximum fee to provide some relief for certain categories, such as large employers and public entities, i.e., Oklahoma Department of Mental Health Services and Substances (ODMHSAS), Norman Regional Health System, Armed Forces Reserve Center, etc.

Also provided are examples to compare the proposal included in the First Reading Ordinance (Option C) and this new proposal for consideration. Mayor Rosenthal said hopes are that Council can reach a consensus on what to send to the voters for their consideration.

Staff is distributing three (3) sets of documents to include the following:

1. Green packet: Stormwater Utility Option C for Ordinance O-1516-40 which was approved upon first reading and published in the *Norman Transcript*. Option C is a modified Equivalent Residential Unit (ERU) system with eight (8) tiers, \$6.00 per ERU (\$3,600), and a cap of \$640;
2. Yellow packet: Stormwater Utility Option for substitute language to cover textual amendments (other than rates and caps) which has been discussed at two (2) previous Council conferences held May 24, 2016, and June 2, 2016, regarding a stormwater utility, proposed substitute language may be adopted by one motion; and
3. Orange packet: Stormwater Utility Option for administrative fee of \$1.00 plus \$1.50 per 1,000 square feet of hard surface, \$300 caps for school and 501(c)(3) (non-profits), to include phased in caps of \$690 (11/1/16), \$820 (7/1/17), and no caps for new businesses. Proposed language may be adopted by one motion.

Mayor Rosenthal explained what was envisioned tonight is to substitute the language changes in the yellow packet for the first reading document in the green packet.

Councilmember Castleberry asked whether the amendments will amend everything except the rate structure and caps and Mayor Rosenthal said yes, that is correct. He felt public input was necessary and wanted to make certain citizens would have the opportunity to make public comment. Mayor Rosenthal said once Council brings the amendment forward there will be an opportunity for public input. She said once Council has heard comments, as well as any objections, Council will still have the opportunity to strike any of language if so desired.

Councilmember Allison asked if Council had to agree with all of the substitutes for the one motion adoption or can the substitutes be voted on individually and Mr. Jeff Bryant, City Attorney, said Staff can present each of the substitutes separately; however, from prior discussions Council had consensus on at least seven (7) of the eight (8) items. Mr. Bryant said the substitutions address everything except the rate and caps since Staff knew Council was still discussing those items. He said in front of the yellow packet is an outline of the topics discussed and whether or not general Council consensus was reached. Mr. Bryant explained to Council if any were having second thoughts about

Item 2, continued:

one of the substitutes, Staff can certainly put together a motion that would exclude one or more of the substitutes. Mayor Rosenthal said prior discussions have yielded general consensus; however, now is the time for Council to let Staff know if there are concerns.

Ms. Kathryn Walker, Assistant City Attorney, said the changes in the orange packet assumes the textual changes will be made with adoption of the substitute, plus changes to the rate structure, i.e., amended ordinance adopted by substitute ordinance, not the ordinance that was approved on First Reading.

Mayor Rosenthal said while this proposal does simplify the rate structure, some feedback received stated constituents are still concerned that the SWU fee is too high. She said Staff has done some additional analysis using \$1.25 per 1,000 square feet of impervious surface as an alternative.

SWU Option C

Mr. Scott Sturtz, City Engineer, highlighted the SWU Option C stating all parcels between 0 to 10,999 sq. ft. and anything over 11,000 sq. ft. and greater is \$6.00 per 3,600 sq. ft. of ERU. He said public schools would have a \$640.00 rate cap and there would be a possibility of obtaining a credit for educational programs. Mr. Sturtz said there will be provisions for low income customers and a simple and accessible appeal process is available.

SWU Option of \$1.50 per 1,000 sq. ft. Proposal

Mr. Sturtz highlighted the next proposal for a SWU Option stating all parcels would be calculated at \$1.50 per 1,000 sq. ft. using the 2015 GIS impervious area data. He said a \$1.00 SWU Administration Fee would be assessed for each parcel and a maximum rate cap is \$300 for public schools, and 501(c)(3)s. Mr. Sturtz said 87.9% of all parcels will pay less than \$16 per month and a simple and accessible appeal process is available.

Mr. Sturtz said properties less than 500 sq. ft. of impervious surface area will not pay a fee because the formula/rate for each parcel is calculated by dividing the total impervious area by 1,000 sq. ft. and rounded to the nearest whole number. He said the \$1.00 SWU Administrative Fee is a base fee paid in addition to the SWU rate for administration and billing costs. He said parcels less than 500 sq. ft. would also pay the \$1.00 monthly SWU administrative fee; however, if this can be changed/removed if Council so desires. The University of Oklahoma (OU) is included in the revenue totals presented and the effective date for collection from schools and 501(c)(3) parcels is July 1, 2017.

Mayor Rosenthal said concerns mentioned were the lower/middle level customers could benefit from a lower rate and some less concerns regarding larger properties having a cap would be inequitable. She said this Option illustrates a lower rate without any caps and is very much related to the ERU concept we have been discussing, but in a much straightforward simple way. Mayor Rosenthal said this option does not get the City to the \$7.3 stormwater program; however, the unfunded mandates will be addressed as well as some of the maintenance issues.

Councilmember Miller said she encourages Council to look at this Option because it is more equitable and is a more palatable rate option Council can bring to the public.

Mr. Sturtz highlighted the Option for \$1.25/1,000 sq. ft. of Impervious Area with No Cap on Parcels

Mr. Sturtz said the annual revenue for \$1.25/1,000 sq. ft. of Impervious Area with No Cap on Parcels is \$4,774,065. A monthly \$1.00 SWU Administrative Fee is \$466,084 annual fee and a \$300 Cap for Schools and 501(c)3 is \$74,096.22 annually. Mr. Sturtz said the annual total (less five percent) for this rate structure would be \$4,898,250.14.

Item 2, continued:

Council Comments

Councilmember Castleberry asked about the federally mandated requirements the City must do versus the SWU wants. He said it appears the amount the City is currently doing for required mandates is \$2.3 million and another \$1.6 million needs to be added in order to do the remaining unfunded mandates for street sweeping, water quality and Total Maximum Daily Load (TMDL). Councilmember Castleberry said the City would also like to do \$1.1 million of enhanced maintenance that is not a requirement, i.e., channel clearing, repairs of pipes, etc. Mr. Sturtz said the repetitive issues Staff is seeing over and over again is due to the lack of maintenance and they need to be addressed as well, i.e., sanitary sewer lines failing due to debris not being cleared out of a creek and/or erosion of a creek, etc.

Councilmember Jungman asked whether the costs would increase, decrease, or remain unaffected if the City did not do some of the enhanced maintenance until later and Staff said more often than not, costs increase over time.

Councilmember Miller said the Stormwater Committee recommended to Staff what the City needed to do after discussing the stormwater issues for two (2) years. She said it is Council's job to present a reasonable SWU program to the Norman citizens and she also felt it is Council and Staff's duty to educate the citizens on stormwater issues.

Councilmember Castleberry stated he wanted to get some factual information regarding what the City is required to do at this time versus what the City would like to do and felt he did not get his answer. He said the \$2.1 million capital projects in the SWU program could be funded through a SWU, Capital Fund, or a Bond Fund and felt there are three levels to the SWU program: 1) \$4.9 million for unfunded mandates, 2) \$1.1 million for enhanced maintenance, and 3) \$2.1 million in for stormwater capital projects.

Mayor Rosenthal said the unfunded mandates and the basic fundamental maintenance for a system that has been allowed to deteriorate comes to \$5.2 million. She felt Norman already has flooding issues and if enhanced projects and/or flood relief neighborhood projects are removed some of the flooding issues will not be addressed. She said the proposals coming forward only get to \$4.9 million of this \$5.2 million figure; therefore, the City Manager will need to present a budget that cobbles together funds from the Water Fund, Capital Fund, and General Fund in order for the City to do what it needs to be done relating to stormwater.

Councilmember Allison asked whether a comparison utility chart for businesses was completed in order to see how Norman compares to the other cities and Staff said no, because it is difficult to get all the data that compares across the board the same due to the many different ways of calculating rates, i.e., Edmond is \$3.00 flat fee plus \$3.00 per ERU structure and the data that Norman Staff has presented does not have a methodical way to pull all the rates together at one time in an easy format. Councilmember Allison felt it would be good to review a business comparison rate chart.

Councilmember Heiple said as a small business owner he does not want more taxes; however, he understands the need of a SWU program.

Councilmember Lang asked when the Water and Sanitation Funds were created did the revenues pay all the costs and Mr. Anthony Francisco, Finance Director, said yes. Mr. Francisco said at the time Enterprise Funds were established the fees were set over a five (5) year period. Councilmember Lang asked whether the dollar amount billed for Sanitation and/or Water were equal to the income plus amount and Mr. Francisco said yes, they were projected to be equal. Councilmember Lang asked whether any sales tax funded some of the utility expenses at any point prior to the creation of the Water and/or Sanitation Enterprise Funds and Mr. Francisco said before the creation of the Water, Wastewater, and Sanitation Enterprise Funds were established the utilities were accounted for utilizing the General Fund.

Councilmember Jungman said he supports \$1.25 per 1,000 sq. ft. and \$1.00 SWU Administrative Fee without caps and felt it is a very reasonable rate structure. Councilmember Heiple agreed with Councilmember Jungman and felt it was time to let the voters decide.

Item 2, continued:

Council Comments, continued

Councilmember Holman said he supports \$1.25 per 1,000 sq. ft. and no caps and gave several scenarios of what homes in Ward 7, as well as a campus corner business and downtown business would pay for a monthly SWU. He felt it was a fair rate plan for everyone although it does not get it to the amount needed.

Councilmember Castleberry said most businesses in the downtown area do not have parking and are exempt from paying for stormwater run-off because City streets are exempt. He asked whether the City was paying for stormwater run-off on the Downtown Parking lot and Mayor Rosenthal said yes.

Councilmember Lang said he is not opposed to the \$1.25 proposal; however, there is no time to get input from constituents.

Councilmember Karjala said she supports \$1.25 proposal and does not have anything to add to the proposal. She said she did not support the proposal brought forward June 2, 2016, and felt like she should have mentioned at that time.

Mayor Rosenthal said Council study sessions are held so Council can look at and discuss data brought forward by Staff; so Council can ask questions, raise other issues, ask questions, and/or bring other alternatives to the table in order to narrow options to present to the public. She felt this process has been done and believes that Council has a proposal that reflects very important concepts and responds to the community input, i.e., lower the rates, keep it fair and simple, and try to accomplish the City's stormwater needs. She is not happy about the \$1.25 proposal not getting close to meeting all the stormwater needs; however, the City needs to start somewhere.

Mayor Rosenthal requested Staff draft an amendment proposal for \$1.25 per 1,000 sq. ft. impervious surface with no caps and if any Councilmember wishes to make a motion on the floor to amend the amendment, that can be done.

Mayor Rosenthal thanked Staff for outstanding work and developing data requested by Council in order to make a decision.

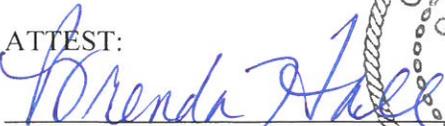
Mayor Rosenthal clarified Council will consider an amendment to adopt substitute language to cover textual amendments to be incorporated into the First Reading Ordinance as presented. She said Council will consider a second proposed amendment adding the \$1.25 per 1,000 sq. ft. and there will be discussion on each amendment.

Items submitted for the record

1. Memorandum dated June 3, 2016, to Councilmembers from Councilmember Miller and Mayor Cindy Rosenthal
2. PowerPoint presentation entitled, "Norman Storm Water Utility (SWU), Council Study Session, presented by Scott Sturtz, City Engineer," dated June 7, 2016
3. Norman City Council Stormwater Utility Options: Option C – modified ERU system - 8 rate tiers - \$6 per ERU (3,600) – Cap \$640, dated June 7, 2016
4. Norman City Council Stormwater Utility Options: Substitute language to cover textual amendments (other than rates and caps) dated June 7, 2016
5. Norman City Council Stormwater Utility Options: Administrative fee of \$1 plus \$1.50 per 1,000 feet of hard surface, \$300 cap for schools and 501(c)(3)s, phased in caps \$690 effective November 1, 2016, then \$820 effective July 1, 2017, no caps for new businesses

The meeting adjourned at 6:03 pm.

ATTEST:



City Clerk





Mayor