

CITY COUNCIL STUDY SESSION MINUTES

October 21, 2008

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:30 p.m. in the Municipal Building Conference Room on the 21st day of October, 2008, 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 Butler, Cubberley, Dillingham, Griffith, Kovach, Quinn, Thompson, Mayor Rosenthal

ABSENT: Councilmember Ezzell

DISCUSSION REGARDING CHANGE ORDER NO. ONE TO CONTRACT NO. K-0607-99 WITH URBAN CONTRACTORS, INC., INCREASING THE CONTRACT AMOUNT BY \$134,584.10 FOR THE FYE 2007 SEWER MAINTENANCE PROJECT AND FINAL ACCEPTANCE OF THE PROJECT.

In 2001, citizens of Norman approved a five dollar per month sewer maintenance fee to provide for the replacement of aged and deteriorated sewer lines throughout the City. The Norman Utilities Authority, in its meeting of March 13, 2007, approved Contract No. K-0607-99 with Urban Contractors, Inc., in the amount of \$4,466.937 to replace over 20,000 liner feet of sewer line and approximately 100 manholes. Mr. Charlie Thomas, Capital Projects Engineer, said construction began on August 16, 2007, and the project is now finished. He high lighted the following field adjustments and modifications included in the final change order:

- Replacement of a portion of the sidewalk in the vicinity of Griffin Hospital parallel to 12th Avenue N.E., damaged during construction.
- Replacement of approximately 280 feet of water line in conflict with a sewer manhole near Reed Avenue scheduled for replacement
- Stabilization of the creek bank along Merkle Creek to secure a gas line adjacent to a sewer manhole to properly replace the sewer line
- Replacement of the sewer lines in the area along Flood Avenue north of Kansas Street, originally scheduled in FYE 2009, to coincide with a paving project performed by the Street Division

He said the additional costs for will increase the contract by \$134,584.10 and the projects are complete and ready for final acceptance. He said the change order and final acceptance of the projects will be submitted for Council's consideration on the October 28, 2008, City Council Agenda.

Items submitted for the record

1. Memorandum dated October 8, 2008, from Charlie Thomas, Capital Projects Engineer, to Norman Utilities Authority
2. Maps depicting Sewer Maintenance Plan – FYE 2007
3. Map of Northeast Upper Bishop Interceptor
4. Change Order No. One to Contract No. K-0607-99

Participants in discussion

1. Mr. Charlie Thomas, Capital Projects Engineer

DISCUSSION REGARDING RESOLUTION ADOPTING AN IDENTITY THEFT PROGRAM AS REQUIRED BY THE RED FLAG RULES WITHIN THE FAIR AND ACCURATE CREDIT TRANSACTIONS ACT TO BECOME EFFECTIVE NOVEMBER 1, 2008.

Mr. Anthony Francisco, Director of Finance, said the Red Flag Rules stem from congressional legislation that intends to curtail identity theft. He said the Federal Trade Commission (FTC) along with five other federal agencies issued rules to implement congressional amendments to the Fair and Accurate Credit Transaction Act of 2003 (FACT Act). He said the rules apply to any activity of a public entity, including municipal utilities for which payment is deferred until after the service is rendered. He said a "Red Flag" is a pattern, practice, or specific activity that indicates the possible existence of identity theft and requires each entity that allows a person to make multiple payments on transactions for products or service to identify patterns, practices, and specific forms of activity that indicate the possible existence of identity theft and respond to prevent or mitigate the identity theft. Identity theft is the fastest growing and most financially devastating crime in the United States and more than 9.9 million Americans were victims of identity theft last year at a cost of roughly \$5 billion. He said some of the types of identity thefts reported by Oklahoma victims in 2007 are credit card fraud; phone or utilities fraud; bank fraud; government document or benefits fraud; employment related fraud; and loan fraud. The Red Flag Rules have been in effect since January 1, 2008, and all entities must have an Identity Theft Prevention Program (ITPP) by November 1, 2008. He said the City must develop a written ITPP customized for the City's activities, provide training for key personnel on risk factors and the appropriate responses, and take actions to mitigate identified risk factors.

Mr. Francisco said the next steps include Council's consideration of Resolution No. R-0809-53 on October 28, 2008, appointing the City Manager as "Senior Administrator" to develop, implement, and comply with the program requirements; development of a draft ITPP for Council's consideration on November 25, 2008; and training key personnel. He said semi-annual and annual reports will be submitted to Council each November and May. Councilmember Quinn asked how many employees need to be trained and Mr. Francisco said there are approximately 30.

Items submitted for the record

1. PowerPoint presentation entitled, "Red Flag Rules, Compliance Guidelines for the Fair and Accurate Credit Transactions Act, Red Flag: Identity Theft Prevention"

Participants in discussion

1. Mr. Anthony Francisco, Director of Finance

DISCUSSION REGARDING PROPOSED ORDINANCE LIMITING THE NUMBER OF DOGS AND/OR CATS PER RESIDENCE; ADDING PROVISIONS REGARDING THE CONFINEMENT AND SALE OF DOGS AND CATS, DISPOSAL OF WASTE, PLACEMENT OF MICROCHIPS, AND INVESTIGATIVE AUTHORITY FOR ANIMAL WELFARE OFFICERS; ADDRESSING INADEQUATE CARE OF ANIMALS LEFT IN VEHICLES IN EXTREME WEATHER; AND AMENDING REGULATIONS PERTAINING TO KENNEL LICENSES AS RECOMMENDED BY THE ANIMAL WELFARE OVERSIGHT COMMITTEE.

Mayor Rosenthal said the proposed ordinance amendments have been recommended by the Animal Oversight Committee and are submitted for Council's review. She said Council has received several contacts from constituents regarding the proposed changes and recognized Ms. Maripat Elroy, Fix A Cat, Inc., and Mr. Keith Dodgen, Second Chance Animal Sanctuary, who will be given the opportunity to address Council on the amendments. Major Jim Maisano of the Norman Police Department, who oversees the operations of Animal Welfare, said Staff has been working with the Animal Welfare Oversight Committee on proposed amendments to the Animal Control Ordinance to update language for consistency; promote responsible pet ownership and care; promote spay and neutering of pets to help prevent unwanted litters; and provide efficient service by Animal Welfare staff. He said the proposed amendments have been unanimously approved by the Animal Welfare Oversight Committee.

Major Maisano said all references in Chapter 3 to "Animal Control" will be updated to "Animal Welfare" to reflect the new name of the Division. He highlighted the other amendments as follows:

- Providing for inspection of any structure or place holding a kennel license by the Animal Welfare Supervisor and his Animal Welfare Officers upon complaint or on his own initiative (currently the only inspection conducted is during the initial application process)
- Prohibiting any animal from being left in any standing or parked vehicle without providing for adequate ventilation or allowing an animal to be exposed to extreme temperature while confined in a vehicle
- Prohibiting a person from knowingly or unknowingly allowing his cat to be at large unless the cat is altered and has a collar with a valid city pet license attached
- Limiting the number of dogs and/or cats allowed – Two dogs and/or three cats if any animal in the household is unaltered and four dogs and/or five cats if all animals in the household are altered (current ordinance allows two dogs and no limit on cats)
- Prohibiting the sale, barter, or giving away of dogs or cats on any property not owned or rented by the seller or buyer unless the property is a pet store, animal shelter, or that property is licensed for the breeding or sale of animals and is in compliance with all City of Norman zoning and licensing regulations. (currently a vendors license is all that is needed to sell dogs and cats)
- Prohibiting the interference of an Animal Welfare Officer in the performance of their duty (currently animal welfare officers must call for a police officer to issue a citation in this situation)
- Adding provisions for the disposition of feral dogs and cats
- Prohibiting dogs to deposit waste material on places open to the public or on certain private property without the permission of the owner
- Amending the guidelines when a kennel license is required to mirror the recommended numbers of dogs and/or cats allowed

Councilmember Cubberley asked if any training would be provided to Animal Welfare Officers issuing citations and Major Maisano said the Animal Welfare Standard Operating Procedures (SOP) is currently under review and training could be addressed during that process. Councilmembers Dillingham and Kovach felt foster care homes utilized by animal rescue organizations should be exempt from obtaining a kennel license if the fostered animals came from a location that has a kennel license. Mayor Rosenthal asked how defecation issues would be enforced and Major Maisano answered enforcement will be on a complaint basis. Councilmember Cubberley asked that cats be included in that section.

Mr. Keith Dodgen, Second Chance Animal Sanctuary, thanked Staff and the Committee for their work on the ordinance. He said spaying and neutering is the cornerstone in solving over population and Second Chance would like to see mandatory spay and neutering laws and the requirement that all animals be tagged and/or micro chipped. Second Chance supports tighter controls on rescue organizations because, in many instances, animals are kept in unsanitary, cramped conditions. Second Chance also supports the trap, neuter, and release program, does not want feral animals to be labeled as "abandoned," and would like a longer waiting period prior to destruction of feral animals whose disposition or diseased condition requires they be destroyed. Councilmember Kovach asked that the word "disposition" be better defined and Mayor Rosenthal asked who determines the condition of the animal. Major Maisano indicated veterinarians are called if the animal appears sick, but adoptability, based on aggressiveness, is determined by the Animal Welfare Supervisor and Adoption Coordinator. Mr. Dodgen hoped the new language relative to the sale of dogs and cats would allow for Second Chance's frequent animal adoption events.

Councilmember Kovach asked about the cost for micro chipping and Major Maisano said the chips cost \$12.50 and the fee to insert the chip is \$20. He said all animals adopted from the Animal Shelter are micro chipped; however, if someone brings in an animal to be micro chipped, it must be done under the direction of a veterinarian. He said the Animal Shelter plans to conduct a Chipping Clinic in November where a veterinarian will attend to oversee and train personnel.

Ms. Maripat Elroy, Fix A Cat, Inc., said Fix A Cat is a nonprofit organization aimed at reducing unwanted feral cat populations through a trap, neuter/spay, and return (TNR) program that involves trapping the cats, spaying or neutering them, vaccinating them, and returning them to their colonies where volunteer caretakers feed them and monitor their health. She said Fix A Cat would like to work with the City to lessen the number of cats euthanized at the Animal Shelter and reduce the amount of time an animal spends in the shelter prior to adoption. Ms. Elroy said some citizens are reluctant to call the Shelter about feral cats and Fix A Cat fills a void where the City can not. She said Fix A Cat has been able to trap and fix over 700 feral cats at no cost to the City and City benefits because the returned feral cats are healthy, vaccinated, and looked after by caretakers when returned to their colonies.

Major Maisano said the next steps include two public meetings to allow for citizen input; informational press releases to the local newspapers; establishment of an e-mail address for public comments; and Staff will meet with local veterinarians for input. Councilmember Kovach suggested meeting with local rescue organizations as well. Mayor Rosenthal said public education is needed on the "scooper pooper" portion of the ordinance, as it is also a health issue due to runoff into the watershed. Mayor Rosenthal suggested Staff move forward with public meetings and suggested Council's recommendations be included at those meetings, in addition to input from local veterinarians and rescue groups.

Major Maisano said the Animal Welfare Oversight Committee will be looking at the vicious dog ordinance next and Councilmember Butler said, currently in the rural areas, citizens are expected to trap dogs running loose before Animal Welfare will respond and expressed concern with the policy. Major Maisano said animals in agriculturally zoned areas are allowed to roam on the property; however, once they go onto someone else's property and cause problems they become a nuisance animal and as a result of changes to the Animal Welfare SOP, when a call is received an officer will be dispatched regardless of the zoning.

Items submitted for the record

1. Report entitled, "Norman Police Department, Animal Welfare Section, Proposed Animal Welfare Ordinance Changes"
2. Brochure from Fix A Cat, Inc., on their Feral Cat Trap Neuter and Return Program

Participants in discussion

1. Major Jim Maisano, Police Department
2. Ms. Jeanne Snider, Assistant City Attorney
3. Ms. Brenda Hall, City Clerk
4. Ms. Linda Price, Revitalization Manager
5. Mr. Keith Dodgen, Second Chance Animal Sanctuary
6. Ms. Maripat Elroy, Fix-A-Cat, Inc.

The meeting adjourned at 7:15 p.m.

ATTEST:

City Clerk

Mayor