

CITY COUNCIL CONFERENCE MINUTES

August 23, 2011

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 23rd day of August, 2011, 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 Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal

ABSENT: None

PRESENTATION BY MR. J.R. RESKOVAC, CAPITOL DECISIONS, CONCERNING FEDERAL ISSUES RELATED TO NORMAN AND EFFORTS TO ADDRESS FUNDING ISSUES.

Mr. J.R. Rescovac, Capitol Decisions, Inc., (CDL) hopes to address how CDL can meet the City's needs in the current federal budget environment. He said next week, a Staff Director for the new Budget Deficit Committee will be selected and twelve members of the committee would be trying to cut one trillion and a half dollars of discretionary spending by October 23rd. If there is not an agreement made by December 23rd, there will be a 5% budget cut across the board from every agency with a large share of that coming from national defense. It has already been recognized that \$450 billion may quickly go to \$900 billion and the Pentagon is already trying to dictate where those cuts will come from. He said this affects our community because there are many area residents connected to Tinker Air Force Base and the National Guard Facility. He said CDI successfully secured the inclusion of a \$10 million authorization in the Water Resources Development Act, which is for water related infrastructure. He said CDI has been working with the Senate Environmental and Public Works (EPW) Committee to include statutory language to drop low priority projects nationwide from the list used by the Corps of Engineers since 1992 which will expedite funding for the City. He said there were 17 authorizations for water specific Oklahoma projects in the 2008 bill and only five of those are relevant and this should go to the House of Representatives sometime this fall.

He said there are two proposals on the table regarding the Highway Reauthorization Bill. He said the Senate EPW is moving forward with a two-year status quo proposal that would keep funding at its current level of \$109 billion, while the House of Representatives version is a six year \$350 billion plan containing a heavy reliance on public/private partnerships to be voted on this fall. He said both proposals would fully fund the program over a six-year period. The current highway bill is temporarily extended until September 30, 2011, and it is possible there will be a four-month extension to allow full consideration of the bill. This is a big push to get the Highway Bill approved because it creates immediate jobs. He said CDL has been working with Senator Inhofe's office to include the State Highway 9 Widening Project with a project cost of \$25.5 million and the 12th Avenue East/Classen Boulevard Widening Project with a \$25 million project cost. He said the Census Bureau selected 28 areas around the country to be included in the surrounding larger metropolitan areas and Norman was included in this. He said CDL met with the Senate EPW who began work with the Federal Highway Administration (FHA) and the Census Bureau to ensure Norman is not included in the Oklahoma City metro designation as this will lead to a loss of operating funds for CART in the approximate amount of \$1.3 million. He said the University of Oklahoma and the City of Norman requested CDL have Norman be designated a small urban area as far as transit funding was concerned and CDL anticipates a positive result when the final rule is published in early September.

Mr. Reskovac said the Senate EPW staff continues to provide CDL guidance regarding the Environmental Working Group (EWG) activities regarding chromium. He said there may be possible "pop-up testing and the most recent hearing before the Senate EPW regarding Chromium-6 safety had been July 12th and CDL provided the City with that hearing summary. Senate Bill No. 78, "Protecting Pregnant Women and Children from

Hexavalent Chromium Act of 2011” introduced by Senator Boxer, has had no legislative action to date. He said since this bill was introduced, the State of California imposed their own standard of chromium levels and brought the EWG in to discuss testing, what the level is, and what the standard should be. He said the Senate EPW has been good about notifying CDL when hearings are scheduled and when EWG might do some type of surprise spot testing.

Mayor Rosenthal asked if CDL had received any type of timetable on the Environmental Protection Agency (EPA) ruling regarding Chromium-6. Mr. Reskovic said it would possibly be done in the Spring but he was unsure if it will be published or not.

He said six appropriation bills had been passed by the House and one passed by the Senate. He said Congress had not done a very good job over the last 12 years trying to get the appropriations process to stand on its own and absent earmarks which only accounts for .1% of the bill content, CDL still anticipates an Omnibus Appropriation Bill for FYE 2012 sometime in late December. He said the Office of Management and Budget (OMB) notified all agencies that the FYE 2013 Budget would be 10% below FYE 2012 across the board which would have a pretty significant impact on municipalities, especially on Community Development Block Grant (CDBG) programs.

Councilmember Gallagher asked who financed EWG. Mr. Reskovic said EWG is a non-profit agency with funding provided by foundations and private donations.

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PROGRESS REPORT ON THE STORMWATER MASTER PLAN ACTION PLAN.

Mr. Steve Lewis, City Manager, said City Council adopted Resolution No. R-1011-120 on June 28, 2011, which adopted the Stormwater Master Plan Final Report which is a flexible planning document used to guide the City while moving forward with stormwater management efforts and stormwater utility. He said the resolution did not adopt any new fees or regulations and directed staff to prepare a rate structure to be brought back before the community and then to the voters for their approval.

Mr. Shawn O’Leary, Director of Public Works, provided a brief overview of the SWMP. He said the process involves formal public outreach concerning stormwater problems; watershed and stream assessments; floodplain modeling; updates to design standards; identification of stormwater problems and solutions such as flooding, erosion, water quality and the development of a capital improvement program to address these issues; financing recommendations; and recommendations and an Implementation Plan which contained 30 action items that Staff was to accomplish and bring back to Council over a 20 year period. He said to date, five of the action items have been completed, and nine are in progress.

Mr. O’Leary said one additional water quality program currently underway is the Environmental Protection Agency (EPA) Mandated Storm Water Phase II Program which is known as the Municipal Separate Storm Sewer Systems (MS4) required as part of the Clean Water Act of 1972. He said it is a non-point source pollution effort to deal with storm water pollution. He said Phase I was implemented in 1990 in cities larger than 100,000 population and at that time, Norman did not have 100,000 population so they became a Phase II city. The City’s first permit was issued in 2005 by the Oklahoma Department of Environmental Quality (ODEQ) which provided regulations to be followed. He said this five-year permit received a positive review last year and the second permit will be issued in 2012 providing new guidelines for the next five years.

Mayor Rosenthal said at one point there had been discussion about Phase II having a mandate of water quality testing on non-point source pollution and asked if the City should anticipate this on all of our streams.

Mr. O'Leary said it is being discussed, is a very costly issue, and there are disagreements about whether a non-point source study would be feasible. He said he does not see it happening in Oklahoma during this permit cycle; but he has heard about testing of Lake Thunderbird and Little River as isolated areas because of the pollution problems.

He said another water quality program is the Lake Thunderbird Watershed Plan which is a non-point source analysis to be developed by ODEQ by June of 2012 as part of a settlement on legal action filed by Central Oklahoma Master Conservancy District (COMCD) against the City of Oklahoma City. He said one of the things that might come out of this plan are Total Maximum Daily Load (TMDL) for Lake Thunderbird which will indicate the total discharge of pollutants allowed. Mr. Steve Lewis, City Manager, said he received a letter from ODEQ notifying the City that they would be forming a technical committee made up of representatives of entities in the area that contribute to Lake Thunderbird.

Mr. O'Leary said the Canadian River/Bishop Creek TMDL Study is focused on point source pollution coming from the Wastewater Treatment Plant in order to determine what our future discharge limits might be from our Wastewater treatment stream. He said this study is required by the State of Oklahoma with Guernsey and Associates preparing the plan for the ODEQ to be completed in December of 2012.

He said Resolution No. R-1011-120 focused on the Stormwater Utility Fee Structure and the notion of flexible planning tools to assist in development of future policies. Short-term pending priorities are:

1. Develop a formal Public Outreach Program to educate the public about the Stormwater Utility and a General Obligation Bond Issue
2. Develop and carry out a strategic work plan for a citizen vote on the proposed Storm Water Utility – Administration and Billing Processes
3. Develop and carry out a strategic work plan for a citizen vote on the proposed General Obligation Bond Program
4. Develop detailed stream modeling
5. Explore ways to improve water quality in Lake Thunderbird by meeting with the City of Moore, City of Oklahoma City, Oklahoma County, and Cleveland County
6. Obtain updates of the Lake Thunderbird Watershed Management Plan and the Canadian River TMDL Plan

Mr. O'Leary said this past year, the Federal Emergency Management Agency (FEMA) selected Norman and Cleveland County for an extensive Hydrology/Hydraulic (H&H) study of Little River that would cost approximately \$400,000 with FEMA paying the costs.

He provided a comparative table of what Norman, Oklahoma City, and Moore are doing in terms of erosion control. He said Norman and Moore are both Phase II cities, Oklahoma City is a Phase I city, and Cleveland County is exempt and do not have a program.

He said the short-term pending priorities should be completed in a 12 to 18 month period and remaining long-term pending priorities are either funding based or require additional staff time.

Councilmember Dillingham asked if there had been inquiries about the Wichita/Sedgwick County Stormwater Manual (Wichita Manual). Mr. O'Leary said there had been no inquiries but all systems were in place. He said training for Staff had been completed internally and Mayor Rosenthal said training had also been offered to the development community. Mr. O'Leary said the next step was to explain the process to all outside engineers and developers and that many outside engineers were familiar with the Wichita Manual and were already using it.

Councilmember Kovach said he knew we did not have right-of-way in some of the areas in Imhoff Creek and core Norman and asked if we were reaching out to property owners to donate easements. Mr. O'Leary said approximately 70% of the older streams have been identified that do not have public right-of-way. He said donation is the recommended practice and a "right of access" or right of ingress" is what is usually requested as opposed to an easement document. He said the hope is that the City would eventually have enough funding to do "enhanced maintenance" which is a very aggressive cleaning of drainage channels and a way to gain "right of access" or right of ingress" to these properties. He said the focus right now is the inventory, where are the worst areas, which ones have easements and which ones do not, how many are there, and what would it take to develop legal descriptions and acquire these properties.

Councilmember Dillingham said a number of property owners adjacent to Imhoff Creek were trying to find a way to be first in line with donated right of entries and asked if these same property owners still owned the property in question. Mr. O'Leary said he thought so.

Mr. O'Leary said the first Water Quality Protection Zone application had been received with a Certificate of Survey request in east Norman. He said the applicant had complied completely and voluntarily by shifting the location of their home.

Mayor Rosenthal asked if Mr. O'Leary was looking to Council for guidance on a target date for an election. Mr. O'Leary said the focus now was the storm water utility and Staff has a plan in place but it is a major effort to prepare for an election. He said it was important to give enough information to citizens in order to understand the purpose of a stormwater utility. Councilmember Kovach asked what the timeframe would be. Mr. Lewis said for a program like this it would be at least one year.

Councilmember Griffith asked when the Sutton Wilderness dam would be remediated. Mr. O'Leary said the City had received a notice from the Oklahoma Water Resources Board (OWRB) that this is a "high hazard" dam which means the City has about one year to develop a plan for remedy. He said Staff hopes to bring an engineering contract forward to Council in the next few months. Councilmember Griffith voiced concerns about the condition of the dam because Woodcrest Creek has no access and empties directly into the Lake Thunderbird watershed. He said would like to see the dam remediated as quickly as possible.

Mayor Rosenthal said she felt the citizens should be educated about the Stormwater Utility by conducting open Town Hall meetings. She said citizens could learn what elements go into a utility and provide input on what utility should include. She said she did not want Staff to invest a lot of time on this without having included citizen input. Councilmember Kovach said there were two issues, the water quality of Lake Thunderbird and flooding issues, and it was important to involve the citizens and at the same time educate them of these issues. He said the sooner we start the process, the better. Councilmember Dillingham agreed and wanted to encourage participation in small enough groups to allow citizens to be comfortable to ask questions but that it will be time consuming. Councilmember Kovach said during the Envisioning Process the participants broke out into small groups and this could be done for this process with a facilitator. Mayor Rosenthal said more than one meeting would be needed. Councilmember Dillingham said some of the meetings should be taken to the people who reside in outlying areas.

Councilmember Gallagher asked what the price was estimated for impervious surfaces. Mr. O'Leary said \$.002 per square foot of equivalent residential unit (ERU) per month. He said the cost for a typical single family home in Norman would be between \$5.50 and \$6.80 per month and it was recommended to treat all property owners the same, commercial, residential, and industrial. Councilmember Kovach said it was important to include a low income reduced rate and a reduced rate for cistern systems. He said the public should be informed when a project is paid for with bonds or becomes a capital project. Mr. O'Leary agreed that it was very important to tell the citizens what projects would be done with the fees. Councilmember Gallagher said during the education process,

the fees should be categorized and there should be at least two meetings to allow people to assimilate the information. Councilmember Quinn said there would be businesses who had already taken measures to alleviate flooding who would request some type of consideration for detention areas as well as rain barrels and cisterns. Councilmember Gallagher said it would be a good idea to have a separate meeting for the businesses who have larger footprints because they have different types of expenses from residential customers.

Councilmember Kovach asked if there was an estimate on the costs of maintaining common areas owned by Property Owner Associations. Mr. O'Leary said they had a good number that is built into the budget.

Mayor Rosenthal said additional research might be required to make sure infrastructure that is in place is still functioning correctly and the date that it was installed is not always a good indicator.

Items submitted for the record

1. PowerPoint presentation entitled, "Storm Water Master Plan Action Plan Update," dated August 23, 2011
2. Status Report of the Stormwater Master Plan Action Plan (by milestone) dated August 23, 2011

The meeting adjourned at 6:20 p.m.

ATTEST:

City Clerk

Mayor