

## CITY COUNCIL CONFERENCE MINUTES

November 22, 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 22nd day of November, 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

Item 1, being:

### DISCUSSION REGARDING ORDINANCE NO. O-1112-15 CHANGING THE NAME OF THE ENFORCEMENT AUTHORITY TO NORMAN ELECTION COMMISSION AND PROVIDING FOR AMENDMENTS TO THE CAMPAIGN STATEMENTS FILING REQUIREMENTS AND VIOLATION REPORTING PROCEDURE.

Ms. Brenda Hall, City Clerk, said the City Council Oversight Committee met in May 2011, to discuss proposals for amendments to Chapter 7.5, Elections, of the City Code and changing the Enforcement Authority name and the Enforcement Authority met in August and added recommendations, which the Oversight Committee reviewed in September 2011. She said the recommended changes were intended to address confusion regarding campaign reporting criteria, reporting times, and who has to file reports. She said the first amendment would require a City report be filed ten days prior to the election, which falls in line with State filing requirements. She said this amendment came forward to alleviate confusion over different filing dates required by the City and State criteria. She said this amendment does not negate the report that is due at noon on Friday before the election, but the Friday report will only be required if there have been contributions and/or expenditures within the ten day period. She said the amendment also eliminates the supplemental report due at noon on the Monday preceding the election. The final amendment to the reporting criteria stipulates a committee opposing or supporting a candidate will not have to file a report unless they have expended or received \$500 or more. This mirrors State statute.

Ms. Hall said the Enforcement Authority also discussed changing the name of their committee to reflect more of an educational and oversight committee and the Council Oversight Committee concurred. The recommended name change is Norman Election Commission.

Councilmember Ezzell asked if there had been discussion regarding mirroring State law for candidates which would require an itemized breakdown, i.e., name, address, and occupation for contributions exceeding \$200 opposed to the City's current requirement of \$50. Councilmember Griffith, Chair of the Oversight Committee, said the Enforcement Authority wanted to keep the \$50 limit because City election contributions tend to be a smaller amount than in State elections and the Oversight Committee did not find that to be unreasonable.

Councilmember Kovach said committees are not required to file campaign reports unless they raise or expend more than \$500, but asked if they still had to register as a committee and Ms. Hall said no, they are only required to register within ten days of meeting the \$500 threshold. She said if information was submitted to the Enforcement Authority or City Clerk's Office that there was activity and the committee was not registered, they would be contacted to determine if they meet the requirements for filing.

Councilmember Spaulding asked what is required if informational material is distributed but the material did not oppose or support a candidate and Ms. Hall said the committee would have to advocate one candidate over another to fall within the guidelines. Ms. Hall said, if received, the information would be part of the Enforcement Authority's record, but would be included in the report.

Items submitted for the record

1. Memorandum dated November 14, 2011, from Brenda Hall, City Clerk, to Honorable Mayor and City Councilmembers
2. Legislatively notated copy of Ordinance No. O-1112-15
3. City Council Oversight Committee meeting minutes of May 4, 2011
4. Pertinent excerpts from City Council meeting minutes of July 26, 2011
5. Enforcement Authority meeting minutes of August 29, 2011
6. City Council Oversight Committee meeting minutes of September 7, 2011, and November 2, 2011

Item 2, being:

DISCUSSION REGARDING ESTABLISHING THE DATES FOR THE 2012 CITY COUNCIL ELECTIONS.

Ms. Hall said in 2009, the Military Overseas Voter Empowerment (MOVE) Act was passed into law requiring states to dispatch absentee ballots forty-five days before any federal and state election to ensure they receive the ballots and have time to return them. As a result of MOVE, Oklahoma House Bill 1615 was passed on May 10, 2011, creating the Let the Troops Vote Act (LTVA). This act impacts municipal elections by specifying months available to hold elections. Article II, Section 5, of the City Charter provides that by a resolution passed each December, the City Council shall designate a date in March of the following year for holding a municipal election. Article II, Section 6, goes on to provide for a municipal runoff election to take place on a date in May of the same year.

City Council, in its meeting of August 23, 2011, adopted Ordinance No. O-1112-7 amending the Charter as it relates to the designation of dates for the municipal and municipal runoff elections to comply with what is provided under current state laws and Ordinance No. O-1112-8 calling for a Special Election on November 8, 2011, for the purpose of submitting to the voters the question of approving Ordinance No. O-1112-7, which voters approved by 87.79%.

Section 4 of LTVA states that no election shall be held by any municipality or other entity authorized to call elections except on the first Tuesday in March and April; the second Tuesday of January (except for January 2012) and February; the last Tuesday in June; the fourth Tuesday in August; and the first Tuesday after the first Monday in even-numbered years or the second Tuesday of January, February, May, June, July, August, September, October, and November and the first Tuesday in March and April in odd-numbered years.

Ms. Hall said Council previously discussed possible dates of April 3, 2012, as the municipal election and June 26, 2012, as the runoff election; however, other available dates are March 6, 2012 (Presidential Preferential Primary Election), as the municipal election and April 3, 2012, as the runoff election or March 6, 2012, as the municipal election and June 26, 2012 (State Primary Election), as the runoff election.

Ms. Hall said if Council chooses to hold the election on a date where a state or federal election is scheduled, the only cost to the City would be printing the ballots, which would save the City approximately \$10,000 to \$15,000 for a Council election and \$20,000 if an issue was included with the Council election making it a citywide election.

Ms. Hall said the current Charter requires Council to set by resolution in December the municipal election dates for the coming year and the resolution will be scheduled on a Special Session meeting agenda on December 20, 2011. She said the filing dates set by Charter for City Council elections are the second Monday, Tuesday, and Wednesday of January, which would be January 9 through 11, 2012, and she asked for Council's preference on election dates.

Councilmember Kovach asked if Council could hold an election in March and April since 45 days are required between elections and Ms. Hall said, after reviewing the language further, she found the requirement does not apply to local offices, only state and federal offices. Ms. Hall said the meeting to swear in elected officials would still take place the first Tuesday in July. She said Council had previously discussed an April-June election because that would be right before seating in July, but the other options would work as well.

Councilmember Kovach said Councilmembers have long lamented the lack of voter turnout during Council elections and felt that having the election on the same date as a state or federal election would get more voters involved so he preferred a March-April election. Mayor Rosenthal felt an April-June election makes more sense as there has been such inclement weather in January and February, which she believes impedes candidates' opportunities to knock on doors and meet constituents. Councilmember Lockett said she had been involved in a runoff during her campaign and felt there was too long a period between April and June and felt it would be an unnecessary burden on the candidates as well as voters. She said weather affects everyone, but she knocked doors in a snowstorm during her campaign and believes that got her more votes than she would have normally received. Councilmember Kovach said in the period between the general election and runoff there are no forums and less press coverage and felt it was harder to generate public interest. It also attracted smaller numbers of voters because citizens assumed a candidate had been elected. Mayor Rosenthal felt that a disadvantage of a March-April election is the long period before elected members are seated in July. She also felt it would be a mistake to place a non-partisan election on a very partisan electoral cycle such as the presidential primary election. Councilmember Gallagher agreed with Councilmember Lockett and felt that 60 days or more between elections loses voters and interest. Councilmember Dillingham said all candidates have knocked doors in inclement weather, but the most important goal is to keep citizens involved and focused on the local election. Councilmember Spaulding felt voter turnout for local elections would always be low, but if the City can have an election on a date where voter turnout is high it will only encourage more participation. He said not to hold an election on a date with higher voter turnout does not make sense to him. Councilmember Kovach said no matter what dates are chosen, there will be a partisan issue on the ballot so the City should hold its election in March and April for a shorter runoff period, spring climate, and higher voter turnout. Councilmember Ezzell said he prefers the April 3, 2011, election date although he did not like the longer period of time to the runoff. He asked Ms. Hall how many times the City has had a runoff and Ms. Hall said she could remember three within the last ten years. Councilmember Griffith said after the recent restructuring of Wards by the Reapportionment Commission, his Ward has grown and he would like more time to meet with new constituents so he preferred April-June. Mayor Rosenthal agreed and said because of the new Ward boundaries, there is real merit in having the extra time between the filing date in January and the election. Councilmember Quinn agreed and said it is important to have more time with constituents prior to the general election so he would lean toward an April-June election.

Mayor Rosenthal asked Staff to draft the Resolution for the April 3, 2011, election since there seemed to be a consensus for that date. Councilmember Gallagher suggested drafting two resolutions for Council to decide which option they wanted and Councilmember Ezzell felt that was unnecessary as Council could amend one resolution.

Items submitted for the record

1. Memorandum dated November 16, 2011, from Brenda Hall, City Clerk, to Honorable Mayor and Councilmembers

Item 3, being:

**DISCUSSION REGARDING THE FYE 2013 CAPITAL BUDGET.**

Ms. Linda Price, Revitalization Manager, said the Capital Improvements Plan (CIP) is a multi-year plan of public infrastructure improvements and expansion that allows for a variety of projects that are beneficial to the City. She offers a vital link to the 2025 Land Use and Transportation Plan; allows the City to plan projects over a number of years; ensures that plans for community facilities are carried out; improves coordination and scheduling of public improvements that require more than one year to construct; and provides an opportunity for residents and community interest groups to participate in decisions that impact their quality of life.

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The CIP is a public information document to advise residents of how the City plans to address significant capital needs over the next five years, a flexible plan that can be altered as conditions, funding, priorities, and regulations change, and projects are reassessed each year for financial feasibility, environmental impact, conformance to previously adopted plans, and priorities from the citizen input process.

Ms. Price said current FYE 2011 Projects include:

- Robinson and I-35 interchange improvements
- I-35 widening from Main Street to Canadian River Bridge
- Construction of noise wall south of Main Street
- Main Street interchange

Ms. Price updated Council on the status of 2005 bond projects as follows:

- Duffy Railroad Crossing realignment – complete
- Robinson Street Underpass - under construction
- Main Street and 36th Avenue N.W. signalization improvements – complete
- 24th Avenue S.E.: Imhoff Road to Lindsey Street widening – complete
- Lindsey: Oakhurst Avenue to 24th Avenue S.E. widening – complete
- Main Street: Carter Avenue to 12th Avenue N.E. widening – complete
- Rock Creek Road: Porter Avenue to Queenston Avenue widening – complete
- Jenkins Avenue and Imhoff Road signalization – complete
- Lindsey Street: Jenkins Avenue to Burlington Northern and Santa Fe (BNSF) railroad tracks widening - under construction
- All of the rural road projects have been completed
- Street Maintenance – urban asphalt - ongoing
- Street Maintenance – urban concrete – completed
- Fire Station No. 3 - completed

Ms. Price updated Council on the status of 2010 bond projects that consist of street maintenance projects, which are nearly completed, and the Outdoor Warning System that is complete.

Ongoing projects consist of the Fire Station 9 design; Robinson Street Underpass; new roofs, heat and air projects, and lighting projects in various municipal buildings; State Highway 9 multi-modal path; Compressed Natural Gas (CNG) Facility; Lindsey Street: Jenkins Avenue to Classen Boulevard reconstruction; Main Street bridge over Brookhaven Creek design; Franklin Road bridge over Little River design; Cedar Lane from 12th Avenue S.E. to one-half mile east of 24th Avenue S.E. design; and Main Street light emitting diodes (LED) street lights.

Upcoming projects consist of 60th Avenue N.W.: Tecumseh Road to Indian Hills Road widening; Robinson Street/12th Avenue N.E. signalization and intersection improvements; Classen Boulevard/Imhoff Road intersection signalization and intersection improvements; South Highway 9 widening – 24th Avenue S.E. to 72nd Avenue S.E.; North Porter Corridor widening – Rock Creek Road to north of Tecumseh Road; I-35 and Robinson Street interchange; South Highway 9 bicycle and pedestrian signal improvements; and I-35 South – Main Street to Canadian River Bridge widening.

Ms. Price said projects for FYE 2011 and new projects for FYE 2012 include: Westwood pool repainting, design and specifications for the Smalley Center. And several new infrastructure projects that consist of Fire Station No. 6 restoration and repairs; Senior Citizen Center elevator compliance upgrades; Westwood Tennis Center heat and air replacement; Police Communications Uninterruptable Power System (UPS) replacement and upgrade; Police Safety Range wall repair; Kennedy Safe Routes to School match; Legacy Trail multi-modal path extension; Downtown Streetscape; roadway lighting on Jenkins Avenue, South Highway 9, and Constitution Avenue; Little Axe Center improvements; trail replacement in the Hall Park Greenbelt; and Transportation Master Plan Scoping Survey.

Ms. Price discussed federal funding and said one way communities received federal funds is by having "readiness points." She said readiness points are obtained when cities have design, utilities relocation, and right-of-way acquisition and the City has been successful in acquiring federal funds, but there have been years where the City has had trouble getting its readiness points. She said the City may be in the upswing again and Council has been discussing bond issue possibilities for larger projects and she felt this would be a way to get readiness points for more federal funding. She said there were seven projects being proposed for bond issues and if those projects are approved, that would free monies in the Capital Budget in the amount of approximately \$11.68 million. She said that would allow the City to move other projects up to get them done more quickly or bring in new projects. She said if the Council moved forward with the bond issue, it would have a significant impact on the budget. Ms. Price said without the bonds, beginning in FYE 2013 with the current plan, the City will be in the red.

Councilmember Gallagher asked for the cost of the Highway 9 multi-modal project and Mr. Shawn O'Leary, Director of Public Works, said the bike lane from 24th Avenue S.E. to 72nd Avenue S.E. would cost \$750,000 funded with a \$600,000 grant. Mayor Rosenthal said there was a delay in that project and asked Mr. O'Leary to explain. Mr. O'Leary said that project is in conjunction with ODOT's highway widening project and the City's goal is to dovetail with that project. He said the widening of two lanes into four lanes means ODOT has to widen the bridges, box culverts, etc., and the City is asking ODOT to widen them another ten feet so the City will not have to pay for the box culvert widening in the multi-modal path project. He said ODOT is discussing that request and the City has submitted some detailed, technical requests based upon ODOT's preliminary plans and are waiting for ODOT's response. Councilmember Kovach asked if the right-of-way was there for the multi-modal path and Mr. O'Leary said not entirely and the City would like to use the right-of-way being acquired by ODOT for the highway to avoid additional right-of-way acquisition and costs. Councilmember Kovach said if ODOT turns the City down on the request for the box culverts and bridges, isn't there an economy of scale to at least partner with them and Mr. O'Leary said yes, that would be Plan B where the City would pay a local share.

Mr. O'Leary discussed the Association of Central Oklahoma Governments (ACOG) Transportation Improvement Program, which is currently being prepared by Staff. He said Staff presented options to the Community Planning and Transportation Committee (CPTC) focusing on storm water and a Storm Water Utility and a General Obligation Bond finance package. Staff provided information on the three rate options and said Council will ultimately have to determine which option, if any, to include:

1. Option 1 - \$30 million G.O. Bonds and \$53 million user rates financing. Approximately \$2.65 million CIP projects would be funded by rates per year.
2. Option 2 - \$38.8 million G.O. Bonds and \$44.5 million user rates financing. Approximately \$2.22 million CIP projects would be funded by rates per year.
3. Option 3 - \$40 million G.O. Bonds and \$43 million user rate financing. Approximately \$2.15 million CIP projects would be funded by rates per year.

Mr. O'Leary said Option 3 was the most favored option proposing a G.O. Bond Election concept with a staggered storm water utility fee election one year later. He said Staff is proposing a \$33.5 million package, which equates to \$28.43 per year for a typical homeowner of a \$100,000 home or \$2.37 per month. He said the bond issue is proposed to be brought forward in a June 2012 election and approximately one year later, the storm water utility fee concept was proposed to be submitted to voters in August 2013. He said the utility fee would cost \$6.74 a month for a typical home (3,600 square feet) or \$80 per year. He said if all this happens as proposed, the typical homeowner would pay \$110 per year or \$9 per month.

Mr. O’Leary said the CPTC requested Staff provide a list of storm water projects and transportation projects to determine if any of the projects have general connections, i.e., streets, bridges, etc., and can be done collectively to save the City money. He said there are seven fairly major projects that qualify as follows:

Potential Drainage and Street Widening Projects	Without Federal Funding	With Federal Funding	Federal Share
West Main Street bridge	\$ 4,141,010	\$ 1,718,502	\$ 2,422,508
Lindsey Street: 24th S.W. to Berry	\$21,533,110	\$13,033,110	\$ 8,500,000
Franklin Road bridge	\$ 4,274,220	\$ 1,575,630	\$ 2,698,590
<b>TOTAL COSTS</b>	<b>\$29,948,340</b>	<b>\$16,327,242</b>	<b>\$13,621,098</b>

Potential Street Projects	Without Federal Funding	With Federal Funding	Federal Share
Cedar Lane: 12th S.E. to 24th S.E.	\$ 9,499,122	\$ 3,810,122	\$ 5,680,000
12th S.E.: Cedar Lane to Highway 9	\$ 3,099,286	\$ 894,486	\$ 2,204,800
24th S.E.: Lindsey to Robinson	\$11,846,918	\$ 4,402,750	\$ 7,444,168
36th N.W.: Tecumseh to Indian Hills	\$16,105,292	\$ 7,685,292	\$ 8,420,000
<b>TOTAL COSTS</b>	<b>\$40,550,618</b>	<b>\$16,801,650</b>	<b>\$23,748,968</b>

Mr. O’Leary said Councilmember Gallagher has asked about extending the 24th Avenue S.E.: Lindsey to Robinson Street project to Tecumseh Road. Mr. O’Leary said that would cost an additional \$12 million and could be a problem because that two mile section is not in the Norman 2025 Land Use and Transportation Plan as an arterial road, but it is a rural collector road. He said it is also not included in Encompass 2035. He said from a land use point of view, it is a limited development area so it would not need enhanced transportation. He said it could be added over the course of the next year if Council desires.

Mr. O’Leary said there had been discussion regarding making Alameda Street a safer roadway by constructing concrete shoulders. He said the proposed ten foot wide paved shoulder on both sides would cost \$1.1 million. He said it would make Alameda a safer corridor with the shoulders doubling as bicycle lanes. He said it does not qualify for federal funding or safety funding, but could be included in the bond package. Councilmember Kovach said paved shoulders lengthen the life of the road as well and Mr. O’Leary agreed saying it would definitely have a positive impact on the roadway.

Councilmember Kovach asked if Lindsey Street has one of the highest accident intersections and Mr. O’Leary said yes, and it is also one of the highest congested corridors.

Councilmember Kovach asked Mr. Anthony Francisco, Director of Finance, if there are low interest bond rates available at this time and Mr. Francisco said yes, the best rates in 50 years. Councilmember Kovach asked if bids are coming in favorably as well and Mr. O’Leary said yes, there is a very favorable market.

Councilmember Kovach said the projects need to be done and with federal funding and low interest rates which will save the City millions of dollars and felt it is in the best interest of the City to move forward expeditiously. Councilmember Dillingham said the City has been criticized for not being diligent with tax dollars and the City would be able to take advantage of a very attractive financial climate and the Storm Water Master Plan will be a wonderful guiding document. She felt the City should take advantage of this opportunity.

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Councilmember Gallagher felt the City should include widening between 24th Avenue S.E.; Lindsey Street to Robinson Street to include widening to Tecumseh Road to relieve traffic congestion. Councilmember Kovach said Staff has already stated that the project would not qualify for federal funding and asked Staff what was needed in order to move in that direction. Mr. O'Leary said the project needs to be a data driven process with public comment. Mr. O'Leary said during the Norman 2025 Plan discussions, Tecumseh Road was not on the radar, but has since been built and is a functioning roadway so the Norman 2025 Plan needs be updated for future transportation projects to qualify for funding. Councilmember Griffith said the project makes sense to him, but citizens in Hall Park Addition are complaining about the 35 per hour speed limit along 24th Avenue S.E. which will be the biggest obstacle in getting G.O. Bond election projects approved in the future. Councilmember Quinn said he would like to have supporting data to obtain federal funding.

Mayor Rosenthal felt the City should move forward with Staff recommendations and said other projects have educational elements that cannot be met for a March election as an election ordinance would have to go to First Reading on December 13, 2011. She asked Councilmembers to keep election dates in mind when discussing additional projects. She said she would like to have an additional meeting on the bond issue and asked Staff to gather information on beginning the process to obtain federal funds to widen the two mile strip between 24th Avenue S.E. and Tecumseh Road.

Items submitted for the record

1. PowerPoint presentation entitled, "FYE 2012 Capital Improvement Projects Budget Status and FYE 2013 – 2017 Capital Improvements Plan"
2. PowerPoint presentation entitled, "Master Plan Possible Utility and General Obligation Bond Elections," Council Study Session, Tuesday, November 22, 2011

The meeting adjourned at 6:25 p.m.

ATTEST:

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City Clerk

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Mayor