

CITY COUNCIL CONFERENCE MINUTES

January 24, 2012

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:30 p.m. in the Municipal Building Conference Room on the 24th day of January, 2012, 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 Gallagher, Griffith, Kovach,
Lockett, Quinn, Spaulding, Mayor Rosenthal

TARDY: Councilmember Dillingham

ABSENT: Councilmember Ezzell

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Item 1, being:

CHANGE ORDER NO. ONE TO CONTRACT NO. K-1112-83 WITH SILVER STAR CONSTRUCTION COMPANY, INC., INCREASING THE CONTRACT AMOUNT BY \$80,034 FOR THE 2005 URBAN ASPHALT REHABILITATION BOND PROJECT.

Mr. Shawn O'Leary, Director of Public Works, said the Norman General Obligation Bond (GOB) Election was held in March 2005, for voter approval of the Urban Asphalt Rehabilitation Bond Program. He said all bond projects were completed in five years under the program budget of \$10,950,000. City Council requested that staff develop a supplemental program of street maintenance in neighborhoods to utilize the remaining funds and the supplemental program was developed using the City's Pavement Management System. This improvement program involves the deep patching, milling and repaving of asphalt pavement at 29 locations on neighborhood streets. He said staff recommends approval of Change Order No. One to Contract No. K-1112-83 with Silver Star Construction Company, Inc, in the amount of \$80,034. He said, if approved, construction would begin in March 2012 and be completed by December 31, 2012.

Items submitted for the record

1. Text File No. K-1112-83 dated November 7, 2011, from Greg Hall, Street Maintenance Superintendent
2. Change Order No. One to Contract No. K-1112-83

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Item 2, being:

DISCUSSION REGARDING CHANGE ORDER NO. TWO TO CONTRACT NO. K-1011-150 WITH RAILROAD YARD, INC., DECREASING THE CONTRACT AMOUNT BY \$9,388.67 AND ADDING 13 CALENDAR DAYS FOR THE HALL PARK LAKE DAM IMPROVEMENT PROJECT, PHASE I.

Mr. O'Leary said the Town of Hall Park was annexed by the City of Norman on October 1, 2003, but at the time of the annexation, the City was not aware there was a dam that had been constructed in 1930 and needed repairs.

The Oklahoma Water Resources Board (OWRB) notified the City that they had identified the easternmost dam north of Robinson Street and west of 24th Avenue N.E. was rated as a high hazard dam due to the proximity of residential structures downstream. They stated if the dam were to fail, loss of life could occur. The notification also included a request that an inspection report be submitted annually for the dam.

Item 2, continued:

Mr. O'Leary said the September 16, 2009, inspection report stated the dam and spillway were in poor condition; trees on the embankment were in excess of three feet in diameter; the trees should be immediately removed and the dam filled to provide a stable embankment; and a formalized maintenance and Emergency Action Plans should be developed.

In October 2010, the Park Maintenance Division removed most of the vegetation from the dam, but did not remove the larger tree stumps to avoid weakening the dam. The tree stump removal was done by a private contractor using methods recommended by OWRB. In November 2010, Wilson and Company, Inc., was hired to do a scope of work study that included design of the dam embankment and emergency spillway; preparation of conceptual plans and cost estimates for a primary spillway; review of the Operation and Maintenance Manual prepared by the City of Norman; and an Emergency Action Plan prepared by the City in conjunction with Wilson and Company, Inc.

Mr. O'Leary said Contract No. K-1011-150 in the amount of \$297,976 was awarded to Railroad Yard, Inc., and Contract No. K-1011-150 and Change Order No. One decreasing the contract amount by \$67,622.70 was approved on August 8, 2011, to reduce the project cost to allow the project to be constructed with available funds.

Mr. O'Leary said the project was substantially completed before the project time expired and the only remaining work was the placement of sod which could not be completed due to wet conditions. The contractor was given an additional 13 calendar days to complete the project. He said the project was complete and the contract amount reduced by \$9,388.67. Staff is recommending approval of the project and final payment in the amount of \$2,500.

Mr. O'Leary said, in addition, there is a pre-existing minor drainage problem north of the newly constructed emergency spillway with several depressions in the area holding one to two inches of storm water after a rainfall event. The area was not included in the Hall Park Lake Dam Improvement Project and staff recommends the savings of \$9,388.67 be transferred to the Greenbelt Drainage Project to be used by the Parks and Recreation department to correct the drainage problem.

Mayor Rosenthal said there had been neighborhood concerns regarding the type of sod being laid and how it is being replanted. She asked if Bermuda grass is being used and said the neighborhood felt this type of grass is very invasive and not appropriate. Mr. Bob Hanger, Stormwater Engineer, said the area was laid with Bermuda which is typical on a dam; however, staff will meet with the Hall Park Neighborhood Association regarding landscaping options such as planting trees to beautify the area. He said the OWRB requires trees be planted 30 feet from the dam. Mr. Jud Foster, Director of Parks and Recreation, said the Neighborhood Association has a copy of the landscaping plan and he believes the neighborhood association will donate some of the trees.

Items submitted for the record

1. Text File No. K-1011-150, Change Order No. 2, dated January 9, 2012, by Bob Hanger, Stormwater Engineer
2. Change Order No. Two to Contract No. K-1011-150

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Item 3, being:

DISCUSSION REGARDING PROPOSED ORDINANCE NO. O-1112-24 ALLOWING FOR USE OF GRAY WATER.

Mr. Ken Komiske, Director of Utilities, said the State introduced House Bill 1575 that would have allowed and regulated the use of gray water for the first time in Oklahoma; however, original language was substituted prior to adoption and the adopted language only added a definition of gray water as follows:

- A. "Gray water" means untreated household wastewater that has not come in contact with toilet waste and includes wastewater from bathtubs, showers, washbasins, clothes washing machines and laundry tubs, untreated municipal wastewater limited to wastewater captured from municipal splash pads, and water used by Fire Departments for cleaning equipment and vehicles. Gray water shall not include wastewater from kitchen sinks, kitchen dishwashers, or laundry water from the washing of material soiled with human excreta, such as diapers.
- B. The definition of gray water in subsection A of this section shall apply *only in municipalities enacting ordinances regulating the use of gray water* within the limits of their municipal boundaries.

Mr. Komiske said the statute allows municipalities to develop their own regulations for gray water. The issue of Norman allowing for and regulating the use of gray water was discussed at the City Council Study Session on January 3, 2012, and staff was instructed to draft ordinance language. He said Ordinance No. O-1112-24 would codify the definition of gray water set forth in the statutory provision and would allow a private residential user to discharge up to 250 gallons of gray water per day for the purposes of household gardening, composting or landscape irrigation, provided that the resident takes certain steps to ensure the gray water is utilized in a safe manner.

Mr. Komiske said conditions of the gray water system would include the system be constructed so that if blockage, or plugging occurred, gray water can be directed into the sewage collection system or septic tank; any storage tank for gray water must be covered; the gray water system cannot be located in a floodway; there must be a five foot vertical separation from top of ground to groundwater table; pressure piping must be identified as non-potable; gray water can not run off property; minimize the potential for contact with people or pets; no ponding; no spraying; no discharge to watercourse; not be applied directly to edible food crops; does not contain hazardous chemicals such as home photo labs, cleaning car parts, etc.; and gray water usage does not change the design of treatment facilities, such as septic systems.

Mr. Komiske said gray water may contain fats; oils; grease; hair; lint; soaps; cleansers; fabric softeners and other chemicals; elevated levels of chlorides, sodium and sulfates; and may have a high pH (is alkaline) that may be harmful to some plants. He said there are devices (pumps/filters, etc.) to help extract some of these items from the water before applying the water to landscaping and there is a lot of information to be found on websites. He said, in general, native plants, desert-adaptive plants, and drought resistant plants do better with gray water irrigation.

Mayor Rosenthal said the ordinance does not allow for any runoff from the property and gray water cannot be discharged into a waterway. She said if a property is located along a creek, is the ordinance effectively stating that the resident cannot install a gray water system and Mr. Komiske said the system will be self-policing as residents will not need a permit to discharge gray water, but staff believes citizens that do make use of the system will do the right thing and be conscientious. He said there are provisions where staff can inspect complaints of violations and enact similar fines issued for erosion control violations. Mayor Rosenthal felt additional guidance would be helpful to citizens that may want to install a gray water system with respect to property slopes or proximity to a creek. Councilmember Kovach asked if a supplementary guide could be developed for citizens with inquiries and Mr. Komiske said it was possible. He said the Environmental Control Advisory Board (ECAB) would probably volunteer to produce brochures and provide education. He said there is also a great deal of information on websites that can be incorporated into a brochure for Norman that would have more specific information. Mayor Rosenthal felt public education would be a great tool, especially for citizens already engaged in the use of "rain barrels."

Items submitted for the record

1. Memorandum dated January 13, 2012, from Ken Komiske, Director of Utilities, to Honorable Mayor and Councilmembers
2. Draft Ordinance No. O-1112-24
3. PowerPoint presentation entitled, "Gray Water," Norman Utilities Authority
4. City Council Study Session minutes of January 3, 2012

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Item 4, being:

DISCUSSION REGARDING POTENTIAL EXPANSION OF PROACTIVE CODE ENFORCEMENT.

Ms. Linda Price, Revitalization Manager, said in 2002, City Council appointed a Core Area Coalition to address code violation problems in the core area of Norman and the group recommended proactive or enhanced code enforcement. In September, 2002, City Council unanimously approved a resolution to initiate an enhanced Code Enforcement Program in two targeted areas on a trial basis. In 2003, staff recommended expanding the program to other areas and make the two previously trial based areas permanent. Council agreed; however, budget issues led to a reduction in staff and the expansion was not pursued. In October 2007, 12 new areas for proactive code enforcement were approved by Council and in July 2008, staff recommended additional proactive areas which followed in January and September, 2009, with a recommendation to expand the program further.

Ms. Price said proactive code enforcement allows inspectors to drive through all designated areas and initiate action on violations as well as respond to citizen complaints. Currently, if the area is not proactive, no action can be taken by inspectors when they see a violation unless there has been a citizen complaint.

Ms. Price said on December 7, 2011, the City Council Oversight Committee discussed a proposal to conduct citywide proactive code compliance. She said staff will focus on urban residential areas as opposed to rural areas; however, staff will work in rural areas, but it would not be the primary focus. She said staff will address residential subdivisions in the rural area so if they receive a complaint, the inspector would work the entire subdivision proactively. She said staff will address violations in non-urban areas when discovered and continue to work citizen complaints.

Ms. Price said the City of Norman conducted a survey of 20 peer cities regarding their code enforcement regulations. Ms. Price said six Oklahoma cities responded to the survey of which Broken Arrow was the only city that is not proactive in any way while cities in other states were proactive in residential areas. She said out of the seventeen cities that responded in Oklahoma, Texas, Colorado, Kansas, and Missouri, all were proactive.

Ms. Price said in 2009, the City of Norman conducted a citizen survey regarding citywide issues and code enforcement was addressed in the survey. She said the highest priorities were getting rid of junk and debris on private property, mowing and weeds, and exterior maintenance of residential property.

Ms. Price said citywide proactive areas in Norman would encompass 60th Avenue on the west to 36th Avenue on the east and all of that area would be initially driven through within a month to six weeks of Council approval. If Council approves a resolution to expand the program, staff would provide an education program for citizens and, after the education process, the City would initiate the program.

Councilmember Kovach asked if there were different code regulations for rural areas and Ms. Price said there are State statutes that prohibit the City from abating certain types of violations in land zoned agricultural. Councilmember Kovach asked if commercial properties would be exempt and Ms. Price said they are currently

exempt and Councilmember Kovach asked if staff is proposing that commercial properties continue to be exempt. Ms. Price said staff had not taken that into consideration, but that decision would come from Council. She said although commercial property is currently exempt from proactive enforcement, violations are worked on a complaint basis. She said there have been issues with absentee property owners so it would be nice to work non-critical violations proactively. Councilmember Kovach suggested that commercial properties be proactively enforced. Councilmembers Gallagher and Griffith agreed. Councilmember Dillingham said if the City proactively enforces commercial property, the City needs to educate the property owners as soon as possible. Councilmember Kovach suggested a press release be issued.

Councilmember Spaulding asked if the City takes in consideration vacant properties property owners being overseas and Ms. Price said many people that know they are going to be out of State have someone maintain the property because they want the property watched over and to make sure the grass is mowed. She said there has not been a great deal of problems with vacant properties. She said the City's goal is not to find violations and abate them, but to bring properties into compliance.

Councilmember Spaulding asked the average cost of an abated property and Ms. Price said she did not know, but the minimum cost for most lots is \$236, which is the cost charged to the property owner, not the actual abatement cost. Councilmember Spaulding asked if it was fair to say that very few abated violations exceed \$1,000 and Ms. Price said yes, probably 10% or less.

Councilmember Gallagher asked about the logistics for long term enforcement and having enough employees to expand the proactive area. Ms. Price said instead of focusing on driving specific proactive areas every week, staff would be able to stop for any violation seen. She felt that once staff identified repeat violators time management would improve. She said staff is confident they can handle the expansion and are excited at the prospect because it will be a more equitable process and they can work violations without a complaint.

Mayor Rosenthal said there seemed to be a consensus to include commercial properties and monitor staff resources required to effectively do their job. Mayor Rosenthal asked staff to prepare a resolution and bring information about the education process to the City Council Oversight Committee for review.

Items submitted for the record

1. Memorandum dated January 13, 2012, from Linda R. Price, Revitalization Manager, to Honorable Mayor and Councilmembers
2. PowerPoint presentation on the potential expansions of Proactive Code Enforcement

The meeting adjourned at 6:12 p.m.

ATTEST:

City Clerk

Mayor