

## CITY COUNCIL STUDY SESSION

February 21, 2012

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 February, 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 Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal

ABSENT: None

Item 1, being:

### FURTHER DISCUSSION REGARDING THE CITY OF NORMAN POLICE DEPARTMENT WRECKER POLICY.

Mr. Jim Maisano, Deputy Police Chief, said the proposed changes to the City of Norman Police Department (PD) Wrecker Policy was reviewed at a Study Session on January 17, 2012, and by the City Council Oversight Committee on February 1, 2012. He said, at the Study Session, Council recommended Staff meet with local wrecker companies for their input and report the proposals to the Council Oversight Committee. He said Staff met with the three wrecker companies and also received questions and comments from citizens. He said the new proposals will help citizens and the Police Department with their interactions with wrecker companies as well as benefit the wrecker companies.

Deputy Chief Maisano said the policy changes will apply equally to all wrecker companies and does not eliminate any current wrecker company from the rotation; however, there is one wrecker company that subdivided into three separate wrecker services and was on the rotation schedule three times. He said the new policy would limit that company to being on the rotation schedule one time. He said if the policy is implemented, the company will be notified within ten days to allow them to respond.

Deputy Chief Maisano said the new policy outlines a procedure to utilize either a wrecker rotation system or a competitive bid process; however, after further review and meeting with wrecker companies, staff believes continuation of the use of a wrecker rotation system is the best option at this time. He said both options are included in the wrecker policy so that additional corrections would not be necessary should a change in the process be needed in the future. He said modifications to the policy include:

- Annual inspections for each wrecker service in the wrecker rotation
- Wrecker drivers will be licensed through the City of Norman with criminal and driving records checked
- A response time has been established, which all current wrecker companies agree to be reasonable
- Wrecker company owners will be limited to one spot on the rotation to ensure a fair rotation schedule
- An administrative policy has been developed to address issues when any wrecker company on the rotation does not comply with the Wrecker Service Policy

Deputy Chief Maisano said wrecker companies will have a 20 minute response time for urban areas and 35 minutes for rural areas with a 90% compliance requirement for response times. If there are three or more excessive violations in a six month period, a License Review Board may be held to meet with the owners to try to alleviate whatever problems are occurring. Councilmember Gallagher asked if the response times were average for cities of Norman's size and Deputy Chief Maisano said yes, and the wrecker companies agreed on the response times as well. He said the wrecker companies felt they would be able to meet the 90% compliance based on the number of calls received by the PD annually. Councilmember Gallagher asked if wrecker drivers obey the speed limit when they are dispatched, especially when responding in rural areas and Deputy Chief Maisano said they are not an authorized emergency vehicle so they must obey all traffic laws.

Deputy Chief Maisano said the wrecker companies requested that one wrecker company be called for one incident instead of one wrecker service per vehicle involved in an incident. He said having all the vehicles at one impoundment location will benefit the PD, citizens, and insurance companies. Councilmember Gallagher asked if the current wrecker companies have the capability to tow up to four vehicles for one incident and Deputy Chief Maisano said yes. He said wrecker companies that participate must also have two drivers available from 7:00 p.m. to 7:00 a.m. and four drivers during the daytime hours. He said there is a provision in the policy that states if the wrecker company does not have enough vehicles to respond, the PD can call the next company on rotation.

Deputy Chief Maisano said State statutes have wrecker requirements, which will be incorporated into the wrecker policy by reference.

Deputy Chief Maisano said Staff reviewed allowing wrecker companies to collect City administrative fees; however, at this time, that has proven to be more complicated than anticipated. He said Staff will continue to review this issue and make recommendations to Council when a plan is drafted. Councilmember Kovach said he would like this implemented as it would be a benefit to the citizens.

Mayor Rosenthal asked how Council would be notified if the PD decided to proceed with a bid process in the future and Deputy Chief Maisano said any bid process would include a contract, which would have to be approved by the Council.

Councilmember Gallagher asked if the City was receiving a "privilege fee" from the wrecker companies and Deputy Chief Maisano said Tulsa and Oklahoma City do charge a stipend from wrecker services, but the City of Norman does not.

Councilmember Spaulding asked how many wrecker companies are in Norman and Deputy Chief Maisano said, according to the Department of Public Safety (DPS), there are five licensed wrecker companies in Norman; however, three of the companies belong to one owner and that company will only get one rotation spot on the schedule instead of three to make it more equitable to the other wrecker companies.

Councilmembers were in consensus to move forward with the policy amendments and asked Staff to keep working on a way the wrecker companies can collect City administrative fees.

Items submitted for the record

1. Memorandum dated January 30, 2012, from Keith L. Humphrey, Chief of Police, to Steve Lewis, City Manager
2. PowerPoint presentation entitled, "Wrecker Policy Update," Norman City Council Study Session, February 21, 2012

Item 2, being:

**DISCUSSION REGARDING PROPOSED AMENDMENTS TO THE CITY'S CONCURRENT CONSTRUCTION ORDINANCE THAT WOULD ALLOW FOR THE INITIATION OF CONSTRUCTION PRIOR TO THE COMPLETION OF PUBLIC IMPROVEMENTS IN RESIDENTIAL DEVELOPMENTS.**

Mr. Shawn O'Leary, Director of Public Works, said the Norman Developer's Council (NDC) and Builder's Association of South Central Oklahoma (BASCO) had requested the City of Norman allow concurrent construction for the initiation of construction prior to completion of public improvements in residential developments. He said currently, the City of Moore, City of Oklahoma City, and City of Midwest City have some version of concurrent construction in residential subdivisions. He said the goal of allowing concurrent construction in residential areas is to expedite development and stimulate the economy. He said the Business and Community Affairs Committee reviewed the proposed amendments to the City's Concurrent Construction Ordinance on January 5, 2012.

Mr. O'Leary said concurrent construction allows concurrent building of public improvements at the same time the private sector is building their private improvements. He said, currently, the public improvements in a residential subdivision must be completed before the City of Norman will allow a building permit to be issued. He said the reason for not allowing concurrent construction are the risks involved. He said there is the risk that the homeowner's home is built, they are ready to move in, but the street is not installed, the water and sewer systems are not completed, no fire protection, emergency vehicles cannot get into the areas without streets, etc. There are also concerns regarding the financial security of the developer and making sure they have financial surety in case they are unable to finish the public improvements.

He said some of the key issues to be addressed in the updated policy for allowing concurrent construction in residential subdivisions are continuing reasonable requirements for financial security provided by developers; withholding Certificates of Occupancy (CO) for all single family homes until all public improvements have been completed and accepted by the City; retaining current high quality standards for design, construction, and warranty of all public improvements; maintaining public safety; and continuing the City's successful program of requiring detailed Storm Water Grading Plans for each subdivision prior to filing of the final plat.

The key ordinance provisions are that the final plat can be filed upon substantial completion of streets and storm drainage and complete construction of water and sewer; a building permit can be issued after the final plat is filed; no CO will be issued until all public improvements are completed; financial security will be required for only the remaining public improvements; subdivision grading plans must be certified and complete with filing of the final plat; and high quality public improvements including standard maintenance warranty will be required.

Mr. O'Leary said other cities require full financial surety for all of the public improvements despite what is finished and Norman will be unique in requiring financial surety for only the remaining public improvements.

Councilmember Kovach asked if a four inch street pavement sub-base would support emergency vehicles and Mr. O'Leary said yes, according to design standards it will. He said if there is a sub-grade failure, the City will see it and the developer will be responsible for repairs, not the City. Councilmember Kovach said if citizens are ready to move into a house and the City cannot issue a CO because 100% compliance has not been obtained, does the City, at that time, access the surety bonds and Mr. O'Leary said the City could do that, but it is an unlikely occurrence. Mr. Rick Knighton, City Attorney, said it would be a timing issue of how far along the public improvements are versus the residents wanting to move into their home. Councilmember Kovach asked who would make the call in determining whether or not a surety bond needs to be accessed and Mr. O'Leary said the Public Works Department manages all the platting and public improvements so they would probably make that call. He said, ultimately, the Legal Department would need to advise the Public Works Staff if legal action needed to be taken. Councilmember Dillingham felt that Staff would be well aware of potential problems before it resulted in legal action and Mr. O'Leary agreed and felt the risk would be limited.

Councilmember Gallagher asked what big advantage the City would have in allowing concurrent construction instead of having everything completed first and Mr. O'Leary said the developers believe it will save them time. He said Staff is asking Council to decide if it is worth the benefit to the community in getting the development started and getting the investment in the homes sooner versus the risk of having it all complete.

Councilmember Griffith said he was pleased about the Storm Water Grading Plan requirements. He said if a house is being built below grade, he could see silting issues being compounded and asked if there will be a policy in place for more stringent erosion control. Mr. O'Leary said there is potential for silting problems; however, the developers usually do a good job with erosion control and probably will not let that happen since it would be more costly and a nuisance to them.

Mayor Rosenthal said she was concerned about the potential homeowner who purchases a property under construction and may not be aware that they may not get a CO for six to eight months. She asked if the City can require a notice to buyers and Mr. O'Leary said there are provisions that can be made with the issuance of the building permit, but the City does not have a relationship with the homebuyer. He said it is a private transaction between the buyer and developer and he was unsure how notice could be given to them from the City. Mayor Rosenthal suggested a printed notice to the person obtaining the building permit to be more proactive in saying the information should be provided to perspective home buyers and Mr. O'Leary said that was doable and a great idea. Councilmember Dillingham said if the developer intends to avail himself of this process then the ordinance could include language that includes a notification on the building permit that this is subject to the concurrent construction ordinance.

Mr. Stephen Tyler Holman, 1020 South College, asked if the ordinance would affect un-platted parcels not located in a subdivision and Mr. O'Leary said no, it would only apply to platted subdivisions not private homes that are not built in a subdivision.

Ms. Joy Hampton, The Norman Transcript, said she was concerned about the older, inferior neighborhoods and asked if anything was being done to protect those neighborhoods as new development is being encouraged. She said it may not be in the scope of this ordinance, but when you rush new developments rushed, people flee to those places, which affects older neighborhoods. She said new developments can imperil interior neighborhoods that may already be in the balance.

Councilmember Dillingham asked if the developers are on board with the ordinance and Mr. Harold Heiple, Attorney, said yes, the ordinance was discussed with developers from the beginning and many of their ideas were incorporated into the ordinance.

Items submitted for the record

1. PowerPoint presentation entitled, "Concurrent Construction – Residential Development – Ordinance No. O-1112-30," City Council Study Session, Tuesday, February 21, 2012
2. Ordinance No. O-1112-30

The meeting adjourned at 6:30 p.m.

ATTEST:

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City Clerk

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Mayor