

CITY COUNCIL SPECIAL SESSION MINUTES

February 19, 2019

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Special Session at 5:30 p.m. in the Municipal Building Conference Room on the 19th day of February, 2019, And notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Bierman, Castleberry, Clark, Hickman, Holman, Scott, Wilson, Mayor Miller

ABSENT: Councilmember Carter

Item 1, being:

DISCUSSION REGARDING THE DRAFT STORMWATER POLICY MANUAL.

Mr. Shawn O’Leary, Director of Public Works, said the Stormwater Policy Manual consists of 83 pages of stormwater policies, but there are certain polices Council has expressed interest in relative to the pending stormwater utility rate election. He said combining the policies into one manual is the key to a successful program.

Ms. Carrie Evenson, Stormwater Program Manager, said in April 2017, Council discussed next steps for stormwater funding and after that discussion the Stormwater Citizen’s Committee was formed. She said Committee recommendations were presented to Council in April 2018, and several open houses and Ward meetings were held to gather feedback from the public. She said these meetings led to the Stormwater Bond, Stormwater Utility (SWU), and Transportation Bond moving forward to an April 2019 election. She said Staff wanted to ensure the City had policies in place that include a Neighborhood Assistance Program (NAP) or funding opportunities through a SWU so the concurrent policy development has been taking place in the background during SWU discussions. She said existing policies will probably need to be refined to adapt to the City’s programs and to lessons learned; however, having all the policies in one manual will help Staff manage and improve the program more efficiently. She said the manual includes an appeals process, credit application process for low-income customers and addresses stream planning corridors, water quality protection zones, structural and non-structural controls, maintenance procedures, dam safety, floodplain management, and enhanced maintenance of creeks and detention ponds.

Councilmember Wilson asked about the process for changing stormwater policies once they are adopted and Mr. O’Leary said Staff is recommending Council adopt the Stormwater Manual in its complete form, which means any change would have to be approved by Council and the policies should be updated annually that would also require Council approval.

Mayor Miller felt it is important to have the stormwater policies in a manual form because some ordinances are in different sections of the City Code and having the policies in one manual will help Council and Staff answer the public’s questions.

Ms. Evenson said tonight Staff will focus on the NAP and the appeals process as well as emergency response to spills that affect stormwater.

Councilmember Castleberry asked if emergency preparedness addresses flooding issues from dams or just hazardous spills and Ms. Evenson said the emergency preparedness section does not detail specifics because each of the high hazard dams is required to have bio-WRB (Water Resource Board) regulations and an emergency action plan (EAP) associated with the dam.

Item 1, continued:

Councilmember Hickman asked which category the stream planning corridors, water quality protection zones, dam safety, and structural and non-structural controls would fall under. Ms. Evenson said the water quality protection zones are in the stormwater quality section, and structural and non-structural controls and dam safety are in the stormwater maintenance section. Councilmember Hickman asked if there are policies that relate to the Engineering Ordinance that allows streets to be part of the stormwater infrastructure and how much water is allowed in the street and Ms. Evenson said the drainage standards in the engineering design criteria have not been changed, but this criteria is under review. She said the dams the City manages have an EAP that is updated every year and that process involves every department that has a stake in these dams such as, the Police Department, Fire Department, Emergency Manager, Public Works, Parks, etc.

Councilmember Hickman asked if there is a policy in the manual regarding enforcement or inspections and Ms. Evenson said the manual does not specially lay out how, but enforcement and inspection procedures for construction stormwater program is in the stormwater quality policy. There are also enforcement and inspection procedures for elicit discharges so non-stormwater discharges that are not allowed to be discharged to the stormwater system are in the stormwater quality section as well.

Councilmember Castleberry would like a specific reference that City projects would have to comply with the same criteria and Ms. Evenson said that is addressed in the manual. Mr. O'Leary said any Oklahoma Department of Transportation (ODOT) project would not fall under the City's inspection process.

Ms. Evenson said the policies related the NAP with a proposed annual budget of \$1.25 million. She said Council requested a statement be added that states, "un-awarded funds will roll over from year to year to make them available in the next fiscal year."

Councilmember Wilson asked when funds would be available for the NAP and Mr. Anthony Francisco, Director of Finance, said the SWU would become effective in August so the first of the funds would be available in September and money needed immediately could be appropriated based on the amount of revenue expected during the course of the fiscal year. Mr. O'Leary said more Staff will be needed to make this program successful because Staff will be guiding these neighborhoods in filling out the applications and helping them figure out what they are applying for, how much it will cost, etc.

Councilmember Bierman would like Council to keep in mind there is currently a significant high hazard dam in the City and she would probably choose to wait until the funds are available so this neighborhood could make use of the NAP for this dam. She felt the neighborhood would be more likely to not take a strong negative stance about a SWU and would not proceed with the full cost of fixing the problem. Councilmember Castleberry said he would be cautious about that if the City already has an agreement with the neighborhood.

Councilmember Castleberry asked how the budget process would work for the SWU projects and Mr. Francisco said if the SWU passes in April the City will have time to adjust the FYE 2020 Budget for anticipated revenues and expenditures. Councilmember Castleberry has heard concerns that if the SWU does not bring in enough money the NAP will be the first program to be cut so he would like to tighten up language regarding the money being committed to the NAP.

Councilmember Castleberry said Council had discussed giving priority to regional detention ponds and asked if that is in the manual and Ms. Evenson said yes, it is on the NAP application. Councilmember Castleberry wants it to be clear that the City is giving preference to regional detention ponds. Mr. O'Leary said there are approximately 300 detention basins that will be inspected annually, which is currently not being done. He said this is one of the most important aspects of the SWU.

Mr. O'Leary said the SWU will include a program for annual inspections on those detention ponds and private stormwater facilities that will probably feed projects into this program once they are given notice of any issue. He said final plats going forward will include language that owners of any privately owned detention facility will be the fully responsible for maintenance of that facility.

Item 1, continued:

Ms. Evenson said the appeals process would allow customers to appeal either the classification of residential versus non-residential or if they feel the living area size has been measured incorrectly.

Councilmember Bierman asked what is being done at the local level to require developers to do due diligence when developing property whose stormwater drainage may impact neighboring stormwater facilities. She would like something in writing so future Council and Staff can continue to follow guidelines set now and Ms. Evenson said that purview needs to happen when plats are filed. Mr. O'Leary said the bigger challenge will be looking at stormwater facilities that may be a mile away from a development and incorporating language into the stormwater policies as well as engineering criteria.

Councilmember Hickman asked if there will be a credit for green practice policies. Can Council add a policy for a credit to incentivize green development? Ms. Kathryn Walker, Interim City Attorney, said Council can address that now or add to the policies in the future. Mayor Miller felt no changes should be made to the policies at this time because of the information already given to the public and changing it may complicate things.

Ms. Evenson said Council needs to decide where they want to go from here. Does Council want to adopt this stormwater policy manual on February 26th?

Councilmember Clark said Council needs to adopt the policies before the election because part of the problem with the last SWU election that failed was that policies were not in place and the public was not receptive to that.

Councilmember Bierman said she supports adopting the policies on February 26th so Council will have the policies available for education moving forward.

Mayor Miller said there seems to be support to adopt the policies on February 26th and asked Staff to prepare an agenda item.

Councilmember Hickman said, in his opinion, a regional detention facility should not have to pay 50% of the costs because it is not their water, it is the region's, so he thinks it is unfair to make them pay 50% of the project costs for a facility collecting water for the "region." He is not sure it is appropriate to give them top priority either and bump everybody else because that could have negative implications on other Homeowner Associations in Norman. Mr. O'Leary said every application for NAP would come to Council as an agreement and Council would review the agreement and alter the cost share if they wanted.

Councilmember Castleberry agreed with Councilmember Hickman about the cost share and felt that "priority" meant Council looking at the application and deciding whether or not that project was urgent enough to bump other projects down the list. He does think that a 50% cost share for "regional" water detention is equitable. He said if projects involve public safety issues they should be a priority.

Items submitted for the record

1. Memorandum dated February 14, 2019, from Shawn O'Leary, Director of Public Works, to Honorable Mayor and City Council
2. City of Norman, Oklahoma, Public Works Department Stormwater Division Policy Manual

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Item 2, being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES, TITLE 25 §307(B)(3) IN ORDER TO DISCUSS THE ACQUISITION OF REAL PROPERTY FOR RECREATIONAL PURPOSES CURRENTLY OWNED BY THE OKLAHOMA DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES LOCATED IN THE VICINITY OF EAST ROBINSON STREET AND 12TH AVENUE N.E. AND EAST ROBINSON STREET AND 24TH AVENUE N.E.; AND AS AUTHORIZED BY OKLAHOMA STATUTES, TITLE 25, TITLE 25 §307(B)(4) TO DISCUSS POSSIBLE LITIGATION WITH THE UNIVERSITY NORTH PARK TAX INCREMENT FINANCE DISTRICT.

Councilmember Castleberry moved that the Special Session be adjourned out of and an Executive Session be convened into in order to discuss the acquisition of real property for recreational purposes currently owned by the Oklahoma Department of Mental Health and Substance Abuse Services located in the vicinity of East Robinson Street and 12th Avenue N.E. and East Robinson and 24th Avenue N.E. and to discuss possible litigation associated with the University North Park Tax Increment Finance District, which motion was duly seconded by Councilmember Wilson;

Items submitted for the record

1. Letter dated February 5, 2019, from Guy L. Patton, Manager, University North Park, L.L.C., and Robert C. Collett, Manager, University Town Center, L.L.C., to Mayor and Norman Councilmembers with Addendum 1, Potential Alternative Sites for Multi-Generational Recreational Complex, with Exhibit A to Addendum 1, Remaining Undeveloped OPED NECD Land, University North Park Final Plat for Section 1, University North Park Final Plat for Section 2; Exhibit B to Addendum 1, UTC Land Reserved for City in Amendment No. 1 to Development Agreement No. 5, with Exhibit A, proposed site location; and Addendum 2, History of Cultural Facilities Project Costs Allocation, with Exhibit A, Ordinance O-1819-21, and Exhibit B, Abstractor's Special Certificate of Property Owner and legal description.

and the question being upon adjourning out of the Special Session and convening into an Executive Session in order to discuss the acquisition of real property for recreational purposes and possible litigation associated with the University North Park Tax Increment Finance District, a vote was taken with the following result:

YEAS:	Councilmembers Bierman, Castleberry, Clark, Hickman, Holman, Scott, Wilson, Mayor Miller
NAYES:	None

The Mayor declared the motion carried and the Special Session adjourned out of; and an Executive Session was convened into in order to discuss the acquisition of real property for recreational purposes currently owned by the Oklahoma Department of Mental Health and Substance Abuse Services located in the vicinity of East Robinson Street and 12th Avenue N.E. and East Robinson and 24th Avenue N.E. and to discuss possible litigation associated with the University North Park Tax Increment Finance District.

The City Council convened into Executive Session at 6:29 p.m. Ms. Kathryn Walker, Interim City Attorney, Ms. Mary Rupp, Interim City Manager; Ms. Beth Muckala, Assistant City Attorney; and Mr. Anthony Francisco, Director of Finance, were in attendance at the Executive Session.

Thereupon, Councilmember Castleberry moved that the Special Session be reconvened, which motion was duly seconded by Councilmember Bierman; and the question being upon reconvening the Special Session, a vote was taken with the following result:

YEAS:	Councilmembers Bierman, Castleberry, Clark, Hickman, Holman, Scott, Wilson, Mayor Miller
NAYES:	None

The Mayor declared the motion carried and the Special Session was reconvened at 8:00 p.m.

Item 2, continued:

The Mayor said the acquisition of real property for recreational purposes currently owned by the Oklahoma Department of Mental Health and Substance Abuse Services located in the vicinity of East Robinson Street and 12th Avenue N.E. and East Robinson and 24th Avenue N.E. and to discuss possible litigation associated with the University North Park Tax Increment Finance District were discussed in Executive Session. No action was taken and no votes were cast.

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ADJOURNMENT

The Mayor adjourned the meeting at 8:02 p.m.

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Monica Hall

City Clerk

[Signature]

Mayor