

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

December 21, 2017

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 8:35 a.m. in the City Council Executive Conference Room on the 21st day of December, 2017, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT: Councilmember Holman and Chairman Allison

ABSENT: Councilmembers Castleberry and Karjala

OTHER STAFF PRESENT: Mayor Miller
Councilmember Bill Hickman
Mr. Terry Floyd, Development Coordinator
Ms. Brenda Hall, City Clerk
Ms. Sara Kaplan, Retail Marketing Coordinator
Mr. Ken Komiske, Director of Utilities
Mr. Steve Lewis, City Manager
Ms. Regina Oliphant, Administrative Tech III
Mr. Bret Scovill, Solid Waste Manager
Ms. Katherine Walker, Assistant City Attorney

Item 1, being:

UPDATE ON THE MULTI-FAMILY RECYCLING PILOT PROJECT AND AN INTRODUCTION TO COMMERCIAL RECYCLING.

Mr. Ken Komiske, Director of Utilities, said in January 2017, the Sanitation Division along with the recycling contractor, Republic, started a pilot project with a goal to implement multi-family recycling with no increase in cost to apartments; assuming there would be a 25% reduction in trash collections. The test area selected was the northwest section of Norman; close to I-35 and the Material Recovery Facility (MRF) located in Oklahoma City. Eight entities were contacted and four chose to be included in the pilot project. The pilot project was no cost to the apartments for almost a year. The Sanitation Division anticipated a reduction in normal trash service that would offset the increased cost of recycling. He said one of the issues that needs to be discussed, if Council decides to move forward with this, is City ordinance requires dumpsters to be contained in enclosures. The enclosures are very costly and can cost up to \$10,000 to include a cement pad to accommodate a large truck to salvage the surrounding asphalt. The City's ordinance says a dumpster for trash has to be in an enclosure; however, this is recycling so there may be room for flexibility.

Mr. Komiske said all the new apartment complexes and new commercial businesses are required to have the enclosures, but the older ones are grandfathered in. Mayor Miller said the City's Recycling Centers at the fairgrounds do not have enclosures. Mr. Komiske said the drop off center does not but they are not for business or commercial application.

Mr. Komiske said this is a topic that needs to be discussed and whether Council wants to move forward with it or not. He said they mapped out some of the trash collections before and after the process, and surprisingly there was not a decrease in the amount of trash collected; however, that could be due to cubic yards versus tons and people not breaking down boxes.

Mr. Komiske said Legacy Trails, one of the four pilot apartment complexes requested the recycling dumpster to be removed and the Property Manager cited continued contamination as the issue. Mr. Komiske said one of the things Republic suggested was to put the recycling dumpsters in an inconvenient location to reduce contamination. He said citizens who want to recycle do not mind the extra effort to do so.

Mr. Komiske said recently published information from Solid Waste Association of North America (SWANA) reported China had essentially closed down their recycling operation and does not want to continue. He said SWANA filed with the World Trade Organization (WTO) saying this is not right and expressed concerns regarding feasibility of domestic markets. He said originally China was accepting the big bales but with a 0.3 % contamination limit; however, we are at about 25% contamination in the rough. He said the local impact on municipal recycling programs thus far is limited, but that is likely to change if status quo of lower prices, 0.3% contamination limit, and no/fewer import licenses continues. He said SWANA may be able to reach a 5-10% contamination limit but not 0.3%. He said since then, China said they would consider an increase to 0.5% but still very difficult to obtain those limits. He said this will greatly affect the west coast and works its way inward as we begin to see the effects of it here as well.

Mr. Komiske said in order to comply with the contamination limits, MRF operators would have to hire more employees as the bales need to be clean, slow down the lines, and add new technology such as optical sorters/robots; it all costs money. He said many places are no longer accepting plastics. Mr. Bret Scovill, Sanitation Superintendent, said he recently met with others in Tulsa and they no longer accept plastics three through seven. They are now going to the landfill.

Mr. Komiske said Republic is willing to work with the City and willing to add commercial recycling if Council desires. Staff has identified 146 commercial entities in the northwest quadrant of the City and Republic/Staff are prepared to send out informational material to them giving them the option to recycle. However, what Staff is suggesting is if the customers want to recycle, they would pay for it and the City would not subsidize recycling as we are doing now. If those apartment complexes participating now want to continue, the rates Republic has presented are \$.25 per apartment per month and a minimal cost. He said they can add commercial entities to add density; allowing the collection of more recycling materials. Republic has put together a form letter and they are prepared to talk to the commercial customers if Council wants to move forward.

Mr. Komiske said although there is a down turn on recycling right now because of China's contamination limits; it will come back around.

Mayor Miller said there are several groups interested in recycling and the community as a whole would be interested as well. Mr. Komiske said with the 146 potential customers that would not be a bad start. Mayor Miller said this would be a good opportunity to get into some public education because recycling is getting more difficult. She said the average person feels very virtuous when they put their recycling in single stream but this is not the way we should be doing this. She said it should be more work for all of us; therefore, becoming more aware of the way we package things. She said the issue with plastic bags has already come forward, and is something we may need to move toward with regard to charging for the plastic bags; getting some stores to agree to a pilot study in this area as well. She said we need to be more aggressive with recycling, and with the recent information that they are suggesting to just throw the plastic bags in the trash and then go to the landfills, is terrible. Mr. Komiske said Washington State Department of Environment Quality (DEQ) is saying, "When in doubt, just throw it out." Mr. Scovill said others in the industry are advising to refuse to use the bags; killing it at the source.

Chairman Allison said for the last couple of years he thought they should look further into the plastic bag issue. He said the last time he was in California he took a photo of a sign at Walmart stating on a specific date they will be charging for the use of the plastic bags. He said at the self-check lane at Wal-Mart there are no bags for use unless you request them. He said Breckenridge, Colorado, has a great bag ordinance; phasing it in, helping to reimburse the companies for the expense for the first few years, and the money

from the bags went back to the merchants to help pay for signage and implementation. After a couple of years, the money collected went into a recycling fund to help the City promote recycling. Mayor Miller said she does not know how much education could be done because this is not really the going thing in Oklahoma, but feels Norman's community would be open to consideration. Chairman Allison said education is the biggest thing because when citizens hear bag ordinance and fees, they do not understand the impact on the environment.

Councilmember Hickman asked if the City could do some basic things such as place recycling containers in City Hall. He said citizens have asked him about it and without those receptacles, it does not send the same message. He said when they have street closures it seems that the City can require or charge a higher fee if they do not have recycling available at the events. He said with Campus Corner and the Downtown Music Festival events providing a recycling service as part of having the events. He said this should be part of the education process in the community sending a message for people who attend events or visit City Hall.

Chairman Allison said that is a good idea but currently they do not have a place to put it. Mr. Komiske said they offer recycling at the Art Walk and the Music Festival. Ms. Brenda Hall, City Clerk, said some of the event sponsors have offered recycling at their events but they have issues with contamination. She said this is a great idea and Staff can certainly work this into the Special Events permit process, but currently the event sponsors are not paying for any trash service for their events. She said the City basically absorbs the cost as a partner. Councilmember Hickman asked if Campus Corner have to pay for game day closure. Ms. Hall said they pay a \$25 fee for a street closure and they do pay for their commercial dumpsters already in place, but the other events are not paying for the trash expense. Councilmember Hickman said his understanding is that for Campus Corner Game Day Closures they pay extra for extra security and extra trash removal. Ms. Hall said they are not paying for the placement for the extra dumpsters. Mr. Scovill said the part where they man the collection or pick up of the extra trash and carry to the dumpsters is assessed any additional charges and is considerable.

Chairman Allison said it is very interesting that some of the festivals are paying a service to come out and pick up the trash. Ms. Hall said they do pay for people to pick up the grounds. Chairman Allison said so what the City is paying for is what is going from the green container to the landfill. Mr. Komiske said event sponsors do not pay the City for the extra trash at the festivals. He said they get their volunteers to pick up the trash and put it in the dumpsters and the City takes it away but the City does not charge extra for the extra trash. He said Staff had a meeting with Campus Corner Association and they indicated they tried recycling containers for two games but people walked by and threw whatever was in their hand into the plastic recycling containers; therefore, they stopped because of contamination.

Mr. Komiske asked if the Councilmember have received calls from their constituents because Staff placed 10,000 stickers on poly carts instructing residents to not place plastic bags in the recycling containers. Chairman Allison said he had heard from some who were not happy about the bag restriction and he sympathized with them as much as he could and referred them to Wal-Mart for recycling the plastic bags.

Mr. Scovill said that people are beginning to understand there is a cost associated with recycling and is equal to trash collection and in some cases more than. He said the part that is hard to sell is that people thought that it was free or that the commodity would pay for it. He said in the beginning it did, but now the volatility in the commodity things have changed.

Mr. Komiske said if the committee agrees Staff would like to tell the apartments they are going to have to start paying for the recycling container and Council needs to discuss the issue with regard to the enclosures for the dumpsters. Mr. Komiske said another step is to allow Republic to reach out to the 146 commercial customers to see if they want to recycle as well. He said the City's current recycling contract expires in August 2018 and asked if the Council wanted to wait until then since it might not be Republic in August.

Chairman Allison said when we did the first contract recycling had a value to it and asked if Staff was concerned if the Sanitation Fund could go upside down with this. Mr. Komiske said it is a possibility as it has gone up every year. He said City made money the first two years, but the last two years the City has lost money based on the monthly rate.

Chairman Allison said the biggest problem to discuss is the containment issue and are they going to allow current businesses to be the grandfather. He does not think they are going to agree to recycle if they have to install an enclosure. Councilmember Holman said making them install two separate enclosures, one for the trash dumpster and one for the recycling dumpster will not work. He said he would be open to not requiring an enclosure for the recycling containers and not having the recycling containers near the garbage dumpster.

Councilmember Hickman said if the trash dumpster is behind an enclosure then the recycling container needs to be in an enclosure resulting in fewer people participating and if that's the case, maybe Council should wait until the new contract. He said it does not sound like the multi-family pilot was very successful with a contamination problem.

Mr. Scovill said there is sort of a penalty built into the contamination on the commercial dumpster. He said if a commercial dumpster is contaminated the recycler will not pick it up and will contact the Sanitation Division to pick it up. The Sanitation Division would charge the business for the extra service.

Chairman Allison said there needs to be lots of material to say what can go into the recycling containers, e.g., laminated posters showing illustrated instructions to help eliminate contamination. He said he thinks most contamination comes from people driving by and just dumping. Mr. Scovill said the current contractor may be reluctant to commit to this with the possibility of a new contract on the horizon. Mr. Komiske said Staff can digest some of these issues so that when new RFPs are sent out some of the issues might be resolved. Chairman Allison said maybe it would be best to wait.

Councilmember Hickman asked Mr. Komiske what his recommendation would be as to when they should be prepared to run another vote to ensure the City is adequately charging to cover the potential increase in recycling costs. Mr. Komiske said with a small increase the fund can handle it for a year or so, but if the increase is dollar or more per customer, Council would have to act very quickly maybe as early as the fall.

Mr. Scovill recommends Norman stay out of the commodity market and let them take on the risk. Councilmember Hickman agreed. Mr. Komiske said they are going to budget in an increase within the budget and see what that does to the Fund Balance within the Sanitation Division. Councilmember Hickman asked if the totals could come back in such a negative way, the City would stop providing recycling services for the City of Norman. Mr. Lewis said they have the ability to reject the proposals and go back to retool it. Councilmember Hickman asked if citizens did not pass a vote, can the City cancel services.

Chairman Allison asked do we want to wait or move forward with the pilot project and see what happens with a new contract. The consensus was to wait.

Items submitted for the record

1. Memorandum dated December 18, 2017, from Mr. Ken Komiske, Director of Utilities, to Mr. Steve Lewis, City Manager
2. Power Point Presentation entitled, City of Norman, Norman Municipal Authority, Multi-Family Recycling, dated December 21, 2017

Item 2, being:

DISCUSSION REGARDING CITY COUNCIL MEETING TIMES AND PUBLIC PARTICIPATION PROCESSES.

Chairman Allison said at the Council Retreat, Council talked about several items related to Council meeting procedures such as, moving miscellaneous discussion to the front of the Council Meeting, time limits for speakers, and moving one of the meetings to a daytime session. He said the reason Council is looking at this is because it is an accessibility issue for the City and a Council/Work/Life balance and not just about citizens. He said over the last few years, Council has evolved to more of a Council that has young children and/or babies and having everything at night puts a stress on the people who choose to serve on Council to maintain a balance. He spoke with Councilmember Clark and she found that all the nighttime meetings were hard for her to attend because of her children and the need to be at home, as well as, attending the many activities and sporting events. He agreed to bring this forward to discuss these concerns.

Ms. Brenda Hall, City Clerk, said prior Councils have debated this subject and Councilmember Castleberry may be the only remaining Councilmember who was part of that discussion in 2012. She said the chart Staff has put together for the Committee's review indicates Norman City Council meets more often than most cities, whether in study session, conference, or committee meetings. She said most cities listed on the chart do not have study sessions; however, if they do, they have them during the daytime prior to a regular meeting. She said since those meetings are not sessions where Council takes action; holding them in the daytime is more accepted.

She said Staff talked to the other cities about miscellaneous discussion and whether that segment is at the beginning or the end of the agenda and whether they have time limit for the speakers. She said none of the cities Staff spoke with have miscellaneous discussion at the beginning of a meeting and the standard time limit was three to five minutes per speaker. She said many of the cities also have time limits on agenda or public hearing items as well with the same time limits. She said there were a few exceptions to this, but most cities limit the amount of time allowed and/or the number of times a person can speak. Mr. Terry Floyd, Development Coordinator, said many of the cities he spoke with also required a pre-registration for most miscellaneous comments as well as agenda items. Ms. Hall said the pre-registration is compared to the current process at Norman's Planning Commission meetings and is not unusual in most cities.

Councilmember Hickman asked if signs are allowed. Ms. Hall said they did not inquire about signs. Mr. Steve Lewis, City Manager, said in other cities, signs are allowed outside and if brought inside they must be kept at a low level to avoid personal injury to others nearby. Mayor Miller said this would be a good rule to implement.

Chairman Allison suggested that any changes made need to be added to the Code of Conduct and placed at all entrances to Norman City Hall. Mayor Miller said her concerns are not just for the Councilmembers, but for the Committee members feeling threatened and this needs to be regarded.

Councilmember Holman said he has not observed that many people speaking during miscellaneous discussion and it is often their only opportunity to address their government. He said there are times when the five minute time limit is very appropriate, and other times when an important topic exists with a presentation created; however, that speaker is cut short on time. He said as the City of Norman grows this may become a bigger issue, but currently does not think there is that much public participation in the meetings to merit any further restriction. Chairman Allison said his idea was not about restricting but moving the discussion to the front of the meeting to allow those presenters the ability to leave after their presentation rather than waiting to the end of a potentially late meeting. Councilmember Holman suggested those that have a presentation pre-register with the City Clerk giving them an allotment of ten to fifteen minutes of time at the beginning of the meeting rather than during regular miscellaneous

discussion. He said Oklahoma City has their meeting in the morning with a very low participation rate and Noble does theirs at the beginning of the meeting; however, they get complaints from citizens of having to wait until the next meeting to talk about something that happened during that meeting due to miscellaneous discussion being at the beginning of the meeting. Chairman Allison said he thought about that, but at the end of each item Council offers the opportunity for public comment; giving citizens a chance, but sometimes they want to talk more at the end as well. He said the real concern is coming from those that need to speak to Council, but are having to wait the whole meeting in order to do so; therefore, they should be afforded the opportunity to do so without having to sit through a four hour meeting.

Councilmember Holman said he would support daytime study sessions, conferences, and committee meetings, but would not support a daytime City Council Meeting. Ms. Hall said she talked to the Oklahoma City Clerk, and for a period of time they switched one meeting per month to the evening to see if they gained more participation and they actually lost participation; therefore, they went back to daytime meetings. She said it is more about what a community gets accustomed to for those that generally participate.

Ms. Hall said most of the cities on the comparison chart do not have Council committees; however, those that do schedule meetings when needed, not on a regular basis. She said the only committees that met regularly were finance committees. She said the same applies to study sessions as they are very infrequent and are prior to a Council Meeting. Chairman Allison asked for those that do not have committee meetings, do they have staff members available for Councilmembers or Council liaisons. He said Norman does a lot with committees that could be compiled into memos or emails if Council had staff assistance. He said Tulsa has one a staff member per two Councilmembers plus three aides and a policy person, but understands Norman cannot afford to do something like this. Mr. Steve Lewis, City Manager, said often in cities there are other management assistants in the City Manager's Office assigned to the committees or assigned to a group of Councilmembers.

Councilmember Hickman said he approves of the idea of moving miscellaneous discussion to the beginning of the meeting. He said when it comes to non-consent items, if you are not the applicant or in the notice zone, then he does not necessarily agree with allowing the general public time to comment. He said they have the chance during miscellaneous discussion and with the power of social media they are able to contact their Councilmember at any time. He said for those that are impacted directly, they should be able to speak, but does not necessarily approve of a policy to allow anyone, even if not a citizen of Norman, the opportunity to speak. He said Oklahoma City Public Schools are making changes to their meetings; having two meetings where one will be a consent meeting during the day and one will be a non-consent meeting, during the evening. Mayor Miller likes the idea but asked if they put all of the non-consent items on one night, how long might that meeting be. Chairman Allison said he likes the idea.

Mr. Floyd said Lawrence, Kansas, meets the 1st, 2nd and 3rd Tuesday of each month and the 2nd Tuesday is the Consent Agenda. He said if there is nothing on the Consent docket or if it is short it will begin at 5:45 p.m., but will move to a study session afterwards. He said College Station, Texas, is a little different as they set aside time from 3:00 p.m. to 6:00 p.m. for Executive Sessions and action/discussion on Consent Agenda items; starting the Consent docket at 6:00 p.m. and the Non-Consent docket at 7:00 p.m. Councilmember Hickman said he respectfully does not care for the 8:30 a.m. meetings because as a business owner is not able to effectively plan his mornings around the meeting due to an open ended meeting. He said he would prefer to schedule the meetings over lunch, limited time, yes, but an opportunity to attend.

Councilmember Holman said he would like the Council Meeting to start at 6:00 p.m. instead of 6:30 p.m. and the 1st Tuesday of the month would be a study session followed by a Consent Agenda. The 2nd Tuesday of the month is a City Council Conference at 5:00 p.m. followed by a Non-Consent Agenda at 6:00 p.m., and the 3rd Tuesday of the month would be a study session followed by a Consent Agenda. He said they would meet every Tuesday, but the meetings would be shorter because the 1st and 3rd Tuesdays would be a Consent Agenda and the 2nd and 4th Tuesday would be the Non-Consent Agendas with the

possibility of only having a few items on the Non-Consent Agenda. Chairman Allison said the challenge seen with this is with travel schedules for those that must travel often with work who are willing to miss a study session but not as willing to miss a City Council Meeting. Mayor Miller said that would not leave any room to take off and still be in attendance to the City Council Meetings.

Councilmember Hickman asked if having two meetings per month with one as consent and the other as non-consent, does that cause an issue with the work flow of the City. Chairman Allison said he can see how it would work for a school because they do not have land use items coming up; however, he likes the idea just not sure how it would work. Ms. Hall said it would not affect the land use items so much because that flow with the Planning Commission is already in place it would be a change for staff, but it could happen.

Mr. Lewis said the Lubbock, Texas, meets at 5:15 p.m. and was willing to start at 5:15 p.m. and maybe be done by 7:00 p.m. that would help on the family end for those Councilmembers with small children. Chairman Allison said since he began having Committee meetings on Thursday mornings, family life for him is much better by eliminating the two Thursday meetings that would extend from 5:30 p.m. to 7:30 p.m.

Chairman Allison said if Council limits the speakers, require them to sign up, and then limits the applicants, how would that be managed. Ms. Hall said this is where Council got stuck in 2012 because if there are time limits for public comments, should the applicants be limited, should Councilmembers be limited, or should everyone only be able to speak once.

Councilmember Hickman said the Councilmembers can ask questions to allow more time for the applicant to share the necessary information. Mayor Miller said fifteen minutes should be enough time to summarize their presentation. Councilmember Hickman agrees.

Ms. Hall said speakers know the rules ahead of time and know the time limits. She said there is usually a provision in the policy and procedures for the Chair to allow more time with consensus of the Council if it is needed. She said even if Council wanted to have speakers sign up ahead of time, many of the procedures had provisions to allow those that did not know they wanted to speak until they were at meeting a way to do so.

Mayor Miller asked if they were going to limit time to 15 minutes. Ms. Hall said three to five minutes is what she has seen but mostly three and especially on an item. Mr. Lewis said you will generally get the lecture from the Chair about staying on point and try to enforce.

Chairman Allison asked what everyone thinks of moving Miscellaneous Discussion to the beginning of the meeting because they have a chance to respond to agenda topics as they are coming through. Councilmember Hickman prefers it to be earlier. Councilmember Holman asked if they would want to limit a time allotment for Miscellaneous Discussion as well. Councilmember Hickman said he would like to see Proclamations, Miscellaneous Discussion and then the consent docket. Chairman Allison agreed.

Councilmember Holman said he would like to see the meeting begin at 6:00 p.m. instead of 6:30 p.m. Chairman Allison said he would like to see 5:15 p.m. Councilmember Hickman said 5:30 p.m. Ms. Hall said if the Council held conferences at 4:00 p.m. and started the City Council Meeting at 5:30 p.m., they are still ahead; giving them enough time for a small break.

Councilmember Hickman said moving the meeting to daytime with be problematic for current Councilmembers; however, would be willing to further discuss more changes with the upcoming Council after changes are made in July, but hesitant on impacting seated Councilmembers.

Ms. Hall asked if the committee wants this to come back to City Council Conference to get input from the rest of Council. She said this would require an ordinance to change a meeting time. Councilmember

Hickman said he is not opposed to daytime meeting times but it should not go into effect until July and would like to have a longer conversation about different kinds of meetings, e.g., the daytime meeting being managed better by a timely standpoint with regard to their business calendars.

Mayor Miller said they should not change anything until a new Council is seated and should talk to Councilmember Karjala. She asked what they think about daytime study sessions on the off weeks. Councilmember Holman prefers consistency, e.g., study sessions and conferences starting at 4:00 p.m.

Councilmember Hickman said he was open to moving the Community Planning and Transportation Committee (CPTC) meeting from 4:30 p.m. to 4:00 p.m. making the meeting times more consistent. Mayor Miller asked Councilmember Hickman to check with Councilmember Karjala before changing the meeting time in order to be sure it accommodates her schedule.

Chairman Allison said the information moving forward to a Council Study Session would be that all conferences and study sessions be moved to 4:00 p.m.; starting Council Meetings at 5:30 p.m.; moving miscellaneous discussion after the ceremonial items but before consent docket; limiting comments to three minutes on all items and 15 minutes for applicants with the Chair being able to extend the time if needed.

Items submitted for the record

1. City Council Meeting Schedules spreadsheet

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ADJOURNMENT:

The meeting adjourned at 10:17 a.m.