

CITY COUNCIL SPECIAL SESSION MINUTES

December 18, 2018

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 18th day of December, 2018, 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 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Bierman\*\*, Carter\*, Castleberry, Clark, Hickman, Holman, Wilson, Mayor Miller

ABSENT: Councilmember Scott

\* Councilmember Carter left the meeting at 6:04 p.m.  
\*\* Councilmember Bierman left the meeting at 6:43 p.m.

Item 1, being:

CONSENT DOCKET

Councilmember Holman moved that Item 2 be placed on the Consent Docket subject to any conditions included in the individual action needed by item be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Bierman; and the question being upon the placement of Item 2 on the consent docket by unanimous vote subject to any conditions included in the individual action needed by item, a vote was taken with the following result:

YEAS: Councilmembers Bierman, Carter, Clark, Hickman, Holman, Wilson

NAYES: Councilmember Castleberry, Mayor Miller

The Mayor declared the motion failed and since the vote was not unanimous and Item 2 was not placed on the consent docket.

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Item 2, being:

AN AGREEMENT BY AND BETWEEN THE CITY ATTORNEY, JEFFERY HARLEY BRYANT, AND THE CITY OF NORMAN ADDRESSING THE SEPARATION OF HIS EMPLOYMENT RELATIONSHIP WITH THE CITY.

Councilmember Wilson moved to approve and ratify the terms of the Agreement between the City Attorney, Jeffery Bryant, and the City of Norman and authorize the appropriation of sufficient funds from the General Fund Balance to satisfy the terms of the agreement so as to allow the execution of the Agreement by the Interim City Manager, which motion was duly seconded by Councilmember Carter;

Items submitted for the record

- 1. Letter or resignation dated December 14, 2018, from Jeff Harley Bryant, City Attorney, to Mary Rupp, City Manager
2. Release and Separation Agreement

and the question being upon approving and ratifying the terms of the Agreement between the City Attorney, Jeffery Bryant, and the City of Norman and the subsequent authorization, a vote was taken with the following result:

Item 3, continued:

YEAS: Councilmembers Bierman, Carter,  
Clark, Hickman, Holman, Wilson

NAYES: Councilmember Castleberry, Mayor  
Miller

The Mayor declared the motion carried and the terms of the Agreement between the City Attorney, Jeffery Bryant, and the City of Norman were approved and ratified and the appropriation of sufficient funds from the General Fund Balance to satisfy the terms of the agreement so as to allow the execution of the Agreement by the Interim City Manager was authorized.

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Item 3, 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 PROPERTY CURRENTLY OWNED BY THE UNIVERSITY OF OKLAHOMA ALONG LEXINGTON AVENUE BETWEEN FLOOD AVENUE AND HALLEY AVENUE AND AS AUTHORIZED BY OKLAHOMA STATUTES, TITLE 25, TITLE 25 §307(B)(4) TO DISCUSS POSSIBLE LITIGATION ASSOCIATED WITH THE UNIVERSITY NORTH PARK TAX INCREMENT FINANCE DISTRICT.

Councilmember Holman 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 property currently owned by the University of Oklahoma along Lexington Avenue between Flood avenue and Halley Avenue 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 December 7, 2018, from Guy L. Patton, Manager, University North Park L.L.C., Robert Collett, Manager, University Town Center, L.L.C., to Mayor and Norman Councilmembers

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, Carter,  
Castleberry, Clark, Hickman, Holman,  
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 property currently owned by the University of Oklahoma along Lexington Avenue between Flood avenue and Halley Avenue and to discuss possible litigation associated with the University North Park Tax Increment Finance District.

The City Council convened into Executive Session at 5:07 p.m. Mr. Jeff Bryant, City Attorney; Ms. Kathryn Walker, Assistant City Attorney; Ms. Beth Muckala, Assistant City Attorney; and Ms. Mary Rupp, Interim City Manager, were in attendance at the Executive Session.

Item 3, continued:

Councilmember Carter left the meeting at 6:04 p.m.

Thereupon, Councilmember Holman 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, Wilson, Mayor Miller
NAYES:	None

The Mayor declared the motion carried and the Special Session was reconvened at 6:43 p.m.

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 property currently owned by the University of Oklahoma along Lexington Avenue between Flood Avenue and Halley Avenue 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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Councilmember Bierman left the meeting at 6:43 p.m.

Item 4, being:

**DISCUSSION REGARDING POSSIBLE SITES FOR A STAND ALONE SENIOR CITIZENS CENTER.**

Mr. Jud Foster, Director of Parks and Recreation, said on November 20, 2018, Staff presented Council with an overview of current Senior Center operations. He said the Senior Center building located at 329 South Peters was built in 1929 and is three stories with additions constructed in 1977 and 1980. With these additions the Senior Center is 12,860 square feet and sits on .97 acres with 34 parking spaces near the building and approximately 20 parallel parking spaces along the south side of Symmes Street. The facility includes space for an office, a multipurpose use area, a kiln, two classrooms, small kitchen, dining room, and commercial kitchen. On average, the facility services approximately 100 participants per day and about 26,000 participants annually. Current activities include ceramics; exercise; bridge; bingo; Tai Chi; canasta; and special events. The facility is operated by one full-time and one permanent part-time City Staff.

The Senior Center project model, i.e., size, activities, facilities, parking, etc., considered during Council and public discussions prior to the October 2015 NORMAN FORWARD vote centered largely on building programming and meeting/discussions with seniors conducted as part of the 2015 Municipal Complex Master Plan Update. From the meetings with seniors as well as completed program updating by the project architect and senior center consulting firm, a 21,000 square foot facility with 100 plus parking spaces and expanded facility amenities was developed. This facility concept has been used as a basis for site locations, project budget, and concepts for a stand-alone Senior Center. The NORMAN FORWARD ballot also anticipated funding one additional Staff member for Senior Center operations. Since the 2015 NORMAN FORWARD ballot, a number of sites for a stand-alone Senior Center have been considered and Staff prepared pros and cons on each location for Council review.

Mr. Foster highlighted the five location options that includes Option 1 – Reaves Park; Options 2 – Ruby Grant Park; Option 3 – Andrews Park (AP); Option 4 – West of new Central Library (L4); and Option 5 – purchase land on North Base. He said the North Base location seemed to be Council's preferred location.

Item 4, continued:

Mr. Foster said the Ruby Grant Ad Hoc Committee met on November 29, 2018, to discuss the option of locating the Senior Center and possibly the Indoor Aquatics Facility and Multi-Sport Facility in Ruby Grant Park. After a lengthy discussion, the Ad Hoc Committee was not opposed to using Ruby Grant Park as a site location for the Senior Center; however, they wanted to limit it to the 14 acres in the southwest corner providing that consideration is made in keeping the natural integrity intact as well as increased traffic flow the project would create.

The Reaves Park Ad Hoc Committee met on December 6, 2018, to discuss the option of locating the Senior Center in Reaves Park and voted two to one in favor of using Reaves Park for a Senior Center. He said the one descending vote was relative to the Medieval Fair Event and the possibility the new footprint of a Senior Center and parking for a Senior Center at the southwest portion of the park would take up too much of the current green space used for the Medieval Fair. Part of the motion finally approved was to design the Senior Center to minimize the impact to existing open space and include electrical infrastructure for special park events.

Mr. Foster said he has no new information regarding the Andrews Park site or the site located west of the new Central Library.

Councilmember Hickman asked if Staff has reached out to property owners west of the new Central Library regarding potential purchase prices and Mr. Jeff Bryant, City Attorney, said Staff has not done any additional follow-up on that property.

Mayor Miller thought Council was in agreement the best location would be North Base and Councilmember Castleberry said it is the preferred site, but believes Councilmember Hickman's question is about other options.

Councilmember Castleberry asked if there is an appraisal for the property west of the new Central Library and Mr. Bryant said yes an appraisal was done when the site for the Central Library was chosen, but he does not have that information at this time.

Councilmember Hickman said he has talked to representatives of the Medieval Fair and is very concerned about utilizing Reaves Park for the Senior Center because it would likely result in the extinction of the Medieval Fair. It is his understanding that 30% of their vendor booth locations would be lost, which would significantly cut into their funding.

Councilmember Holman said he attended the Reaves Park Ad Hoc Committee meeting and it was agreed that if a Senior Center were built in Reaves Park, it would definitely have to be a two-story building to fit on the site without interfering with the Medieval Fair activities. He said representatives for the Medieval Fair were adamant they could not afford to lose any space they currently have for the Fair. Councilmember Castleberry said he will not support any plan that would negatively affect the Medieval Fair.

Councilmember Wilson also has concerns about the Reaves Park location and although the park is closer to her ward, she would not like to mess with the long tradition of the Medieval Fair.

Councilmember Clark agrees with all the concerns about Reaves Park and does not think it is the best site option. In terms of Ruby Grant Park, the City owns the land and there are no Federal Emergency Management Agency (FEMA) issues; however, from east Norman it is quite a distance. She said the site is still a viable option Council should seriously consider and she is interested in Councilmember Wilson's thoughts regarding that site. Councilmember Wilson said she does not support the Ruby Grant Park option because it is not centrally located enough and she would hate to lose the greenspace. She said Andrews Park is not a good option either due to FEMA regulations and loss of greenspace, but in previous discussions she suggested property on Ann Brandon Boulevard owned by Perfect Swing that could be a good location if the North Base location does not come to fruition.

Councilmember Castleberry said Reaves Park is not a good location in regards to traffic congestion. He said the original Ruby Grant Park design was a community effort that included University of Oklahoma (OU) Architecture students so he would not like to change that if it is not necessary. He said if Council decides on Ruby Grant Park for a Senior Center there needs to be an understanding it will not be the only Senior Center in Norman, but part of a Senior Center system.



Item 4, continued:

Councilmember Holman said in earlier discussions regarding a Senior Center site, there has been mention of using land at the north tip of the new Central Library, but that would mean more parking would be needed. He said those discussions also included potential for a two level parking structure that would lessen the footprint for surface parking. He said if the North Base site does not work out, he does not feel comfortable with the site west of the Central Library if that requires purchasing single or multi-family homes.

Mayor Miller said her preference would be North Base as the number one choice, Reaves Park as the second choice, and Ruby Grant Park as the third choice. She said until Council has a definite answer regarding the North Base property, no site should be finalized.

Councilmember Hickman understands Councilmember Holman's concerns regarding the site near the new Central Library, but at some point and time if the North Base property does not happen Council will need to make a trade-off decision between ending the Medieval Fair or purchasing housing. He would like Staff to pursue updating the information on the L4 site so Council will have options available. He asked Staff to contact the property owners to see if they are willing to sell their property and update the appraisal values. Councilmember Holman would also like to know the cost of relocating those residents and if they would be interested in relocating. He would like as much information as possible about all of the sites before any are eliminated.

Mayor Miller said the property west of the new Central Library is an option; however, it is very upsetting for people to hear the City is talking about buying their property if Council is not at a point where they are actually going to do that. She said this sparks all kinds of rumors and scares people thinking they will have no place to live so the City should not pursue talking to property owners at this time.

Items submitted for the record

1. Memorandum dated November 16, 2018, from Jud Foster, Director of Parks and Recreation, and Terry Floyd, Development Coordinator, to Mayor and City Council, with Attachment A, Senior Center/Indoor Multi-Sport/Indoor Aquatic Center Site Options: Pros/Cons; Attachment B, Designs for Senior Center at Northeast Andrews Park (i.e. Option AP), Reaves Park, Ruby Grant Park, West of New Central Library (i.e. Option L4) and cost estimates, and North Base
2. Norman Forward Ruby Grant Park Ad Hoc Advisory Group Agenda with pertinent excerpts of minutes dated November 29, 2018
3. Norman Forward Reaves Park Ad Hoc Advisory Group Agenda with pertinent excerpts of minutes dated December 6, 2018

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Item 5, being:

CONTINUED DISCUSSION REGARDING A TRANSPORTATION AND STORMWATER CAPITAL BOND PROGRAM AND A STORMWATER UTILITY.

Mr. Shawn O'Leary, Director of Public Works, said Council met on December 4, 2018, and Staff received pretty clear direction for a Transportation Bond package of \$7.6 million as the City's share of \$141 million program and a Stormwater Bond Program in the amount of \$59 million. He said Councilmembers wanted to hold ward meetings for citizen input on a Stormwater Utility Fee (SWU) as well as the proposed bond projects and asked Ms. Annahlyse Meyer, Chief Communications Officer, to begin working on social media polling.

Mr. O'Leary said the Stormwater Citizens Committee recommended an estimated budget need of \$7.4 million for a water quality related stormwater program with revenues proposed to come through a SWU. Proposed recommendations for the utility fee will generate \$4.5 million to add to the \$3.1 million currently provided by the General Fund (GF). He said the Committee is recommending a \$6.25 flat fee for residential property owners with a 30% credit for low income customers and a tiered fee based on parcel size for non-residential.

Item 5, continued:

Mr. O’Leary said consensus among Council seemed to be a tiered SWU rate structure and highlighted the proposed structures as follows:

RESIDENTIAL	LIVING AREAS IN SQUARE FEET	MONTHLY FEE
TIER 1	Less Than 2,870	\$3.00
TIER 2	1,870 - 3,210	\$6.00
TIER 3	More Than 3,210	\$9.00

NON-RESIDENTIAL	PARCEL SIZE RANGE IN ACRES	MONTHLY FEE
TIER 1	Less Than 0.63	\$ 12.00
TIER 2	0.62 - 2.11	\$ 45.00
TIER 3	2.11 – 13.97	\$ 80.00
TIER 4	More than 13.97	\$160.00

The Stormwater Citizens Committee also submitted Alternative A proposing a a 4-tier rate structure for non-residential. Mr. O’Leary said the 30% credit for low income customers is still provided. The tiered structure is proposed to generate \$4.2 million total revenue from the utility fee combined with the \$3.1 million provided by the GF. The 3-tier and 4-tier rate structures are based on the first floor living area, which does not include garages, back porches, outbuildings, etc.

Councilmember Castleberry said the transportation projects are listed in the ordinance along with the costs, but stormwater projects are not listed although projects costs are listed at \$60 million. Why are the stormwater projects not listed with costs? Ms. Kathryn Walker, Assistant City Attorney, said the original draft was prepared by the City’s bond counsel and due to different Constitutional provisions for City elections, transportation bond projects are required to be listed; however, stormwater projects are not required to be listed. Councilmember Hickman said while it may not technically be required, the City could still list the project list, correct? Mr. Jeff Bryant, City Attorney, said that is correct. Councilmember Hickman said for transparency purposes, the City should seriously consider listing the projects the public will be asked to approve \$60 million, which will raise their ad valorem tax and Mayor Miller agreed. Councilmember Castleberry agreed the projects needed to be listed even if costs are not due to possible unknowns, such as right-of-way acquisition costs. Mr. O’Leary said that is a good practice and stormwater projects will be listed.

Councilmember Castleberry asked Staff to round off the numbers in the transportation bond ordinance because he wants the public to understand the numbers are estimated and not actual project costs and Mr. O’Leary said Staff will be happy to do that.

Stormwater Bond and Utility Fee Survey Results

Ms. Meyer said an informal survey was prepared to solicit public input on a tiered SWU rate versus a flat rate as requested by Council on November 27, 2018. The survey ran from Tuesday, December 11 through Monday, December 17, 2018, and received 500 responses, which is pretty significant based on Norman’s population size. She said that gives the City a 95% confidence rate and a 4% margin area these numbers are true to the current snapshot of Norman’s public sentiment.

Ms. Meyer said more 35 to 49 year olds responded than 50 to 65 years olds followed by 21 to 34 years old and 66 years or older with a few under 20 year olds. Most of the responses were from registered voters. She said properly maintaining and improving stormwater infrastructure ranked higher than protecting streams, lakes, rivers, or preserving Lake Thunderbird as a drinking source. When asked how they would rate the City’s ability to provide quality stormwater maintenance and infrastructure, most people think the City is either doing an effective job or somewhat not so effective job. When asked if they would be willing to support a Stormwater Bond should it be on a ballot, 46% were supportive, 28.20% said no and 25.80% were unsure. When asked if they would support a SWU if placed on the ballot, 36.20 were supportive, 31.80% said no and 32% were unsure. She said the unsure population represents the possibility of support if education is provided.



Item 5, continued:

Stormwater Bond and Utility Fee Survey Results, continued:

Ms. Meyer said there is more support for a tiered SWU structure than a flat rate structure with 52.43% of the respondents were either very willing or somewhat willing to support a \$3, \$6, \$9 tiered residential fee based on a home's first floor living area (excluding garages, porches, patios) and a tiered fee for non-residential parcels based on the size of each parcel, while 7.89% were neutral about this option and 39.68% were either very unwilling or somewhat unwilling; 48.51% of respondents were either very or somewhat willing to support a \$5 monthly flat fee for every home and a tiered fee for non-residential; parcel based on the size of each parcel, while 10.85% were neutral and 40.64% were either very or somewhat unwilling; and 34.75% of respondents were either very or somewhat willing to support a \$6.25 monthly flat fee for every home and a tiered fee for non-residential parcels based on the size of each parcel while 12.37% were neutral and 52.88% were either very or somewhat unwilling.

Ms. Amanda Nairn, Stormwater Citizens Committee Co-Chair, said member of the Committee attended several ward meetings and Wards 6 and 8 supported a flat fee structure while Wards 2 and 4 preferred the tiered fee structure. Ms. Carrie Evenson, Stormwater Program Manager, said Ward 7 comment cards were returned and of the ones returned the Committee's preferred option a flat fee was the preferred option although the public discussions tended to lean towards a tiered structure. Ms. Nairn said when you talk to citizens about why the Committee made the decision they made, right or wrong, most citizens just said, "The City has to go with the Committee's preferred option." She said when citizens do not have a lot of information, as seen in the surveys, or have not attended the public meeting or studied the proposal at length, then, of course, the tiered rate was preferred.

Mr. Andy Sherrer, Stormwater Citizens Committee Co-Chair, said "just do something" feels like the message he would like to get across to Council. He said any of the options are strongly supported by the Committee and when looking at survey results, it is pretty clear these options are all pretty close. He said this is an opportunity for Council to make a decision because the Committee will gladly support any of the options, which would allow the City to move forward as a community. He said placing the Stormwater Bond and SWU on the same ballot makes both much easier, much more fiscally prudent from a campaigning perspective, and allows the community to move forward on stormwater. He said \$6.25 would allow the City to do more projects while \$5 may be more palatable to the public, but a \$3, \$6, and \$9 tiered rate is pretty simple as well. He believes Norman is a community that supports finding solutions for problems. He encouraged Council to come to a conclusion tonight and he would be supportive of whatever solution Council decides is appropriate.

Councilmember Clark agrees with Ms. Nairn and said most citizens not educated on the SWU preferred a tiered fee because it seems more equitable, but when they understand how much time and effort the Committee has put into the proposals and what that money can do for the City, citizens tend to go with the experts and support what they recommend. She said if Council wants this proposal to pass, Council needs to do what citizens who do not attend meetings want and that is a tiered fee, which has the best chance of passing.

Councilmember Holman said for the most part, Ward 7 residents are willing to support the better good even if it is not the most absolute, equitable, and fair solution because it is the right thing to do. He personally supports a tiered structure because he believes it is more fair.

Councilmember Castleberry said he has always preferred the tiered structure.

Councilmember Hickman asked if it was too late to make changes to the tiers to change residential tiers to be \$2.50, \$5, and \$11 and Ms. Nairn said if Council wants the Committee to reconvene to change the tiers, there is no time before the January 8th First Reading. She said the Committee does not have to be reconvened to change the tiers because Council can change the tiers. Councilmember Hickman did not think that was prudent considering how much time the Stormwater Citizen Committee has worked on the proposals and he would want the Committee's input on the changes. Mayor Miller said Council is afraid to take the next step, but desperately needs to take the next step and make a decision. Personally, she has gone back and forth, but is back to supporting the tiered structure because of what Councilmember Clark said about not being able to educate every single voter in Norman. She said the City will not be able to make a case for every person that finally decides \$6.25 will pay for what is needed. She said \$3, \$6, and \$9 gets the City closer to what is needed, but she is worried if Council starts tinkering with those figures that too much different information is being put out to the public.

Item 5, continued:

Stormwater Bond and Utility Fee Survey Results, continued:

Councilmember Wilson asked if an agricultural tier could be added or agricultural zones excluded for those citizens east of 48th Avenue that are not on urban infrastructure. Councilmember Castleberry said west Noman has agriculturally zones areas as well so that would not be fair. Councilmember Wilson said most City services stop at 48th Avenue, i.e., fire hydrants, recycling, only one house per ten acres, etc., and she understand most of these regulations are for lake protection. Mr. O'Leary said there is more stormwater infrastructure east of 48th Avenue than anywhere else in the City. Councilmember Clark said if east of 48th Avenue is excluded maybe they should not be provided services for this utility, but apparently they have a lot of stormwater infrastructure that is needed. Mayor Miller said Ward 5 has a lot of creeks and streams, i.e., Little River, Jim Blue, Dave Blue, Clear Creek, etc. Ms. Nairn said if properties east of 48th Avenue are exempted the residents still get to vote on the proposal so they are not being removed from the voting public. Councilmember Clark said residents east of 48th Avenue will receive service whether they vote for the proposal or not so she would support the \$3, \$6, and \$9 tiered structure and if that needs to be reevaluated later then fine. She suggested targeting Ward 5 for education to show them how they will benefit from this fee and regardless of how they vote the City will still provide services to them with this utility.

Councilmember Clark agreed with Mayor Miller that it would be confusing to change the tiers. She said Council can ask for a fee now and if voters agree, the fee can be changed later. She said fees are not locked in forever so Council needs to be mindful of that. If there is an opportunity to establish a SWU and overcome being the only City in the State of Oklahoma that has to have a vote on increasing utility rates, then Council needs to do this now, not later. In terms of equity, her ward has agriculturally zoned land, but she does know how that can be addressed.

Mayor Miller said she is ready to move forward with the tiered rate. Councilmember Holman said during his ward meetings he told constituents he was confident a Stormwater Bond would be on the ballot, but was not confident Council would agree on a SWU rate by January 8th so the SWU could happen later in the year.

Councilmember Clark asked if the \$3, \$6, and \$9 structure could go to First Reading and be amended at Second Reading, if needed, and Mayor Miller said yes. Councilmember Clark said that gives Council more time to decide, but shares the concern about changing the tier at this time. She wants to move forward with the tiered structure and continue to reevaluate other options moving forward and perhaps perform another survey.

Councilmember Hickman asked if the ballot would also include the proposed tiers for non-residential properties and Mr. O'Leary said yes, that is Staffs understanding. Councilmember Hickman said there is no survey data on non-residential tiers so will the same people be voting on both tiers or will only businesses vote on non-residential tiers and vice versa? Mr. O'Leary said all voters will vote on both. Councilmember Hickman said what if people are okay with the residential tiers, but not the non-residential tiers, is there any idea of how they are going to vote? Ms. Meyer said the non-residential tiers were not in the survey because the City did not want people that did not understand the business side to set the non-residential rates.

Councilmember Hickman said at some point people will be looking at a ballot with residential and non-residential tiers and may think the rate structures are not fair so they will vote no. He gets the sense the City has not actually presented the proposal in the surveys in a way it will be on the ballot and thinks the City should consider surveying non-residential property owners. Mr. O'Leary said a specific survey has not been done, but both tiers were discussed at the many public meetings, Chamber of Commerce meetings, business community meetings, etc. He said there was very little negative feedback on the non-residential rate structure. Mayor Miller said it would be great to do the survey if Council is ready to say this is what the City wants to do. She said Council mainly wanted to know what people thought about the flat rate versus the tiered rate and did not want to add a bunch of additional things to the mix. She said the Stormwater Citizens Committee, City Council, and City Staff just focused on residential so now is the time for the City to go back and have the public look at everything. Personally, if she was voting on this proposal (and she has small business) she would not care about anything except the residential rate.



Item 5, continued:

Stormwater Bond and Utility Fee Survey Results, continued:

Councilmember Hickman said the difference in survey percentages between non-residential and residential could make the difference in whether or not the vote passes or fails. He would like to know if the public would support non-residential tiers as well as residential tiers. Ms. Meyer said the survey was prepared prior to education and focused on the preference for a flat fee or tiered rate, but the results are not being used for education purposes they are being used to capture the current public sentiment or mood. She said prior to anything being placed on a ballot, the City would have an educational program so voters would not be seeing the propositions for the first time at the polls. Councilmember Hickman said Council is being asked to make a decision without survey feedback on non-residential rates and he would like to see if survey percentages shift in any meaningful way if non-residential and residential are placed side by side on a ballot. Ms. Meyer said the survey helps target where education is missing and where the City needs to target education to help people understand that businesses are paying their fair share and residents are paying their percentage of contribution. Councilmember Castleberry said most people do not want small businesses to be disadvantaged.

Councilmember Hickman said the three questions he would ask are “Would you support a residential tiered fee structure as follows then list the three tiers; would you support a non-residential tiered fee structure ad list however that is structured; and would you support a residential and non-residential fee on a single ballot.”

Mayor Miller said Ms. Meyer could survey people on the proposed ballot language to see how likely they would be to accept the residential and non-residential tiered rates; however, she is concerned people will begin to get confused between residential and non-residential. Ms. Nairn suggested using “business” instead of “non-residential” to alleviate some of that concern. Ms. Meyer said she will prepare a survey, but the likelihood of receiving 500 responses is lower so soon after the last survey.

Councilmember Hickman asked about the policies related to the SWU, i.e., are Home Owner Associations (HOAs) going to be released from liability? He said as the City moves forward in finalizing the propositions the policies need to be set prior to the election. Mr. O’Leary said Staff is ready to bring the policies forward to Council.

Councilmember Castleberry said their needs to be provisions for HOA’s because HOA’s pay the fee and home owners pay the HOA so people feel they are being double taxed. He would like to see if people think it has been addressed in the policies. Ms. Nairn said community buildings are not being charged in this proposal, only houses are being charged not neighborhoods. Councilmember Clark said one concern she heard in the meetings were people pay HOA dues to maintain stormwater facilities within their addition and now they are paying again with this fee. She said the Neighborhood Assistance Program, especially for those that do not have HOAs, help neighborhoods when they have additional unexpected stormwater repairs, i.e., retention ponds dredged, dug out, or drained, which can cost thousands of dollars.

Ms. Nairn said the Neighborhood Assistance Program was the Committee’s compromise to assist anyone with private stormwater infrastructure, not just HOA’s. She said that is one policy that has to be worked out. Also, a concern of Council the Committee talked about is the General Fund (GF) subsidizing the SWU so whatever program Council decides on, please do not sell a \$7 million program that will actually be cut to \$4 million with \$3 million being subsidized by the GF.

Ms. Nairn said if the SWU does not meet the stormwater needs the Neighborhood Assistance Program will be the first program to be cut, which is a \$1.25 million program for flooding related problems. Mayor Miller and Councilmembers agreed this is an important program and Councilmember Holman said while utilities should pay for themselves, SWU’s are regularly subsidized by cities. Mayor Miller said the City may be able to do a second bond after the ten year period and older infrastructure could be improved to the point where maintenance will not cost as much.

Item 5, continued:

Stormwater Bond and Utility Fee Survey Results, continued:

Items submitted for the record

1. PowerPoint presentation entitled, "Committee Proposed Recommendations with Proposed Alternative A and Alternative B"
2. Stormwater Bond and Utility Fee Survey Monkey Results
3. City of Norman Stormwater Management Questionnaire with Comments from the Public

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ADJOURNMENT

There being no further business, Councilmember Castleberry moved that the meeting be adjourned, which motion was duly seconded by Councilmember Hickman; and the question being upon adjournment of the meeting, a vote was taken with the following result:

YEAS: Councilmembers Castleberry, Clark,  
Hickman, Holman, Wilson, Mayor  
Miller

NAYES: None

The Mayor declared the motion carried and the meeting was adjourned at 8:19 p.m.

\* \* \* \* \*

ATTEST:



City Clerk



Mayor

