

CITY COUNCIL STUDY SESSION MINUTES

March 1, 2022

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:00 p.m. in the Municipal Building Conference Room on the 1st day of March, 2022, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray and the Norman Central Library located at 103 West Acres, 24 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Foreman, Hall, Holman, Lynn, Schueler, Studley, Tortorello, Mayor Clark

ABSENT: Councilmember Peacock

Item 1, being:

OVERVIEW OF ACCESS OKLAHOMA TURNPIKE PLAN.

Mr. Shawn O'Leary, Director of Public Works, said tonight Council will be receiving information about how the City manages transportation issues; definitions for the Oklahoma Turnpike Authority (OTA); turnpikes, and ACCESS Oklahoma; the impact of ACCESS Oklahoma on Norman; next steps for the City of Norman; a tour of the ACCESS Oklahoma website; and OTA contact information.

Mr. O'Leary said the City's first Comprehensive Transportation Plan (CTP) was adopted by Council in May 2014, and should be updated every ten years. He said Council appointed a 45 member Citizen Oversight Committee to develop the CTP, which has guiding principles and is a multi-modal plan. The CTP is a tool for the City to properly classify and design streets, coordinate complex transportation issues with other entities, and build an annual Capital Budget. ACCESS Oklahoma will change the transportation system in Norman significantly and the CTP must coordinate with Norman 2040 Land Use Plan.

The OTA was created by the Oklahoma Legislature on April 30, 1947, and the first efforts of the OTA were to connect Oklahoma City (OKC) to Tulsa then extend beyond Tulsa to the northeast and beyond OKC to the southwest. Eventually it became important to provide loops around the two largest metropolitan areas, OKC and Tulsa. House Bill 933 (HB933) was passed on May 7, 1953, creating a new OTA providing statewide representation on the OTA Board and establishing the basis for the state system of turnpikes.

In 1947, turnpikes were a fairly new concept to allow construction and maintenance of roadways to be paid through road user fees. The tolls can be increased by an OTA Board vote, as necessary. The Turner Turnpike from OKC to Tulsa opened in May 1953, Will Rogers Turnpike from Tulsa to Missouri opened in June 1957, and H.E. Bailey Turnpike from OKC to Texas opened in April 1964. These three turnpikes formed the basis of Interstate 44 (I-44) connecting Oklahoma from Missouri to Texas.

Item 1, continued:

With I-44 largely complete, the OTA turned its attention to other areas that included Muskogee; Indian Nation; Cimarron; Cherokee, Kilpatrick; Chickasaw; Creek; H.E. Bailey Spur; Broken Arrow; Gilcrease; and Kickapoo Turnpikes, which all opened between 1969 and 2020. Mr. O'Leary said 630 miles of turnpikes exist in Oklahoma. The OTA merged with the Oklahoma Department of Transportation (ODOT) in 2020, with Secretary of Transportation, Mr. Tim Gatz, as manager for both agencies.

The Merriam-Webster dictionary defines a turnpike as a road for the use of which tolls are collected. Turnpikes, at the time of the formation of the OTA, were a new concept to allow construction and maintenance of roadways to be paid through road user fees or tolls instead of relying on less reliable sources, such as gasoline taxes. OTA is converting to a cashless system in 2021-2022, which will not require tollbooths or employees for booths. He said you now drive through, a camera takes a picture of your license plate, and you receive an invoice in the mail.

ACCESS Oklahoma stands for Advancing and Connecting Communities and Economics Safely Statewide, which is a \$5 billion, 15-year program to construct 147 miles of turnpike. Prior to the OTA announcement on February 22, 2022, the Association of Central Oklahoma Governments (ACOG) and ODOT have been evaluating the ever increasing traffic volumes in OKC Metro area with no real plan except widening Interstate 35 (I-35) to six lanes and supporting the Regional Transportation Authority (RTA) discussions on light rail as the only means to alleviate the congestion. At the same time, nationwide truck traffic is on the rise and trucks stuck in rush hour traffic are unable to maintain their delivery schedules, which is becoming more and more frequent.

Mr. O'Leary said OTA's number one priority is the safety and security of travelers and ACCESS Oklahoma projects will create safer roadways by addressing current needs and providing increased access to more Oklahoma communities. The additional routes and improvements will provide motorists alternative travel options, improved safety, decreased congestion, and decreased travel times all directly related to quality of life. He said Oklahoma needs to proactively address issues to improve safety and enhance access to jobs and commerce in the State. Every mile and dollar invested in roads and bridges today pays dividends for future generations.

Secretary Gatz has compared the impact of ACCESS Oklahoma to the Interstate Transportation Act (ITA) from the 1950's. ACCESS Oklahoma may be more impactful on Norman than the ITA with seven miles of I-35 located in Norman. The proposed east to west connector follows alignment of Indian Hills Road, with 13 miles in Norman and the proposed south extension connecting the Kickapoo Turnpike to I-35 in Purcell aligned between 72nd East and 84th East has 12.5 miles in Norman. ACCESS Oklahoma in Norman is more than three times the length of I-35 in Norman.

Next Steps include a Council Study Session on Tuesday, March 29th, with OTA Deputy Director, Mr. Joe Echelle; updating the City's CTP; updating Norman's 2025 Land use Plan; assisting citizens and landowners with OTA information and contacts; and protecting the Lake Thunderbird Watershed.

Item 1, continued:

Citizens can tour the ACCESS Oklahoma website at <http://www.accessoklahoma.com> or call the OTA hotline at 1-844-562-2237 for further concerns or questions.

Mr. O'Leary said Staff will be updating the CTP and Land Use Plan to incorporate the turnpike and Mr. Darrel Pyle, City Manager, said the City should also update the Stormwater Master Plan as well as its Sewer and Water Master Plans because when traffic patterns change, it will change behaviors and create demands for business development, especially around every interchange identified on OTA's map. Mayor Clark asked if the City can work with OTA to send notices and updates to Ward Five residents and Mr. O'Leary said yes, OTA really wants to hear concerns from residents.

Councilmember Foreman asked if any water wells will be affected and Mr. Chris Mattingly, Director of Utilities, said six wells would need to be relocated. Mr. Pyle said OTA will have to do a complete environmental impact study once the map is finalized that will include water, stormwater, etc., and Staff will be fighting for mitigation measures.

Councilmember Tortorello said he received many calls from citizens whose main concern is losing their "forever" homes. He did not understand why OTA could not have been more upfront when plans starting ramping up and informing people they could be losing their homes and would need to relocate. Where is the transparency? He said, at his request, OTA will be holding a public meeting Thursday evening at CrossPointe Church and encouraged the public to attend and voice their concerns or ask questions. He asked if the City has any legal standing to stop this turnpike and Ms. Kathryn Walker, City Attorney, said no, OTA has the same rights as any government agency in terms of eminent domain and although she does not see a way for the City to stop it, she does believe OTA will try all avenues to avoid eminent domain.

Councilmembers said although there is nothing the City can do to stop the turnpike, the City needs to have empathy and do everything in its power for citizens that may lose their homes or property. They were also concerned about the impact to Lake Thunderbird and the City's water infrastructure.

Councilmember Studley asked if the City could move the turnpike location and Ms. Walker said no, statutorily, the project is within OTA's sole control. Mr. Pyle said the City could use resources to help property owners understand what "just compensation" is and how to make sure they receive a fair compensation. Councilmember Studley said stormwater will run-off into the Little River, which feeds into Lake Thunderbird, and asked if environmental impact to drinking water is addressed in State statutes and Ms. Walker said not in this case because OTA has stated they are designing the project to address stormwater issues. She said federal laws on environmental issues are more stringent than State law; however, OTA is not using federal funds and does not fall under those guidelines.

Councilmember Hall said there is a large group of multiple partners, including State, County, and City levels, discussing the Lake Thunderbird Eco Tourism Project and she wants to make sure these stakeholders have access to the information they need and how the planning of the Eco Tourism project will be impacted. Mr. Pyle said Staff will make sure the group is informed about

Item 1, continued:

the Study Session scheduled March 29 to further discuss the turnpike and possible impacts to Lake Thunderbird.

Items submitted for the record

1. PowerPoint presentation entitled, "Access Oklahoma," City Council Study Session dated March 1, 2022

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Item 2, being:

DISCUSSION REGARDING AMERICAN RESCUE PLAN ACT OF 2021 (ARPA) FUNDS FOR ECONOMIC DEVELOPMENT.

Ms. Walker said Norman Economic Development Coalition (NEDC) was formed as a non-profit entity in 1996, as a collaborative effort between the City, Chamber of Commerce, and University of Oklahoma (OU), but was expanded in 2009, to include Moore-Norman Technical Center (MNTC) as an equal investor. Each partner has a representative on the Board and provides equal shares of its annual funding. She said NEDC recently invested significantly in its new offices downtown leasing two thirds of the facility to Visit Norman and the Chamber of Commerce, enabling the entities to share resources and reduce overhead.

Ms. Walker said NEDC strategic objectives include business attraction and retention; talent attraction and retention; entrepreneurship and incubation; maximizing existing resources; and promoting development of additional resources. A new Economic Development Strategic Plan developed in 2018, identified ten strategic initiatives including developing an entrepreneurial atmosphere that enables startup and high growth enterprises to achieve success and expand in the Norman area. NEDC currently has the only State certified business incubator program in Cleveland County and there has been recent focus at the State level on accelerator programs, which mirrors the NEDC plan. The strategic plan includes a longer term Incubator Program (one to five years) with ongoing support as needed and a shorter term Accelerator Program with intense support. Support from NEDC comes in the form of shared resources, low overhead, programming, and consultation currently housed within NEDC office space, which is 100% leased.

In 2012, ACOG adopted a Comprehensive Economic Development Strategy (CEDS) for the region that identified target sectors and strategies for attracting and growing businesses. The CEDS was updated in 2019, and identified three primary goals that included

1. Enhancing the region's transportation and telecommunications systems;
2. Building a resilient economy business development and attraction, diversification of the economic base, and adopting policies to address economic and weather-related disruptions; and
3. Growing the region's start-up, entrepreneurship, and business innovation ecosystem by providing the support and tools needed for businesses to thrive. The NEDC plan meets guidelines for American Rescue Plan Act (ARPA) funds allocated to the EDA, which requires integration with ACOG's CEDS.

Item 2, continued:

Ms. Walker said in 2012, after months of discussion, City Council accepted a beneficial interest in the Norman Economic Development Authority (NEDA) and directed an economic development policy be drafted and adopted. City Council also directed an Advisory Board be created to advise the Trustees and Councilmembers. NEDA adopted its own economic development policy in 2013, which outlined goals and objectives that include:

1. Support retention/expansion of existing businesses that employ local residents, pay above average wages with insurance benefits;
2. Attract businesses in targeted industries;
3. Promote and provide support for additional business incubators and microenterprises; and
4. Promote and support public/private partnerships that will expand economic development opportunities in Norman.

Ms. Walker said the Economic Development Advisory Board (EDAB) was created in 2013, to advise Council regarding economic development policies, opportunities, and requests for City-funded incentive of private businesses. She said EDAB has seven members, four of whom have knowledge and experience in economics, business, finance, law, policy analysis, and community development.

In 2020, Congress adopted the Coronavirus Aid, Relief and Economic Security (CARES) Act to provide financial relief to State and local governments negatively impacted by COVID-19 by reimbursing them for eligible expenses. City Council adopted a resolution in November 2020, to appropriate \$1 million of those reimbursement funds for small business relief grants.

In 2021, Congress adopted ARPA providing \$350 billion in pandemic related aid to State and local governments and Norman received half of its allocation in May 2021, and will receive the remainder in May 2022, totaling \$22,225,000. In 2021, Council identified entrepreneur grants as a funding priority for ARPA funds and asked that EDAB review and make recommendations. Final rules for ARPA expenditures were released on January 6, 2022, and EDAB discussed Council's proposal in their September, November, and January meetings.

Ms. Walker highlighted ARPA rules as *Presumption of Eligibility* that would include small businesses (under 500 employees or independently owned and operated), businesses and residents in qualified census tracts, and minorities; *Eligible Programs, Services, or Capital Expenditures* would include technical assistance, counseling, or other business planning support, microbusiness support, business incubators, rehabilitation of commercial properties, and COVID-19 mitigation and prevention measures; and *Reporting Requirements* would include detailed annual reporting of projects and expenditures and sub-award reporting must provide obligation and expenditures information for any contracts, loans, grants, or direct payments made in excess of \$50,000.

EDAB focused on the ability to use funding to make a long-term impact and business incubators have long been identified in various strategic plans to support entrepreneurship and small businesses. NEDC is currently in need of space to house and grow their Incubator Program. In January 2022, the EDAB meeting included representatives from Norman Public Schools (NPS), MNTC, NEDC, and Cleveland County who talked about opportunities for collaboration. EDAB recommended Council set aside \$1 million in ARPA funds for the development of an incubator

program to be located in a qualified census tract and developed in partnership with MNTC, NPS, Norman Regional Health System (NRHS), and NEDC.

Ms. Walker said NEDC's vision is to purchase a building free of debt to keep overhead costs low, hire staff to support incubator businesses, and focus on priority for women, minority businesses, Native Americans, and veterans who were all disproportionately impacted by COVID-19. A one-time capital investment of ARPA funds from the City into the new strategic plan (Strategy III) would support the purchase of a facility and funds would need to be appropriated by 2024, and spent by 2026. An agreement between the City and NEDC would include identifying a site in a qualified census tract; identifying specifics of a business incubator program to be housed in the facility; annual reporting related to expenditure of funds; and NEDC owning the site.

Ms. Walker said with Council's approval, Staff would move forward with drafting an agreement with NEDC.

Councilmember Hall said there have been multiple conversations regarding the City being better at investing in infrastructure than operating these types of facilities and would prefer to contract with other entities with expertise to operate the program. She supports investing in a building with another entity operating the program.

Mr. Lawrence McKinney, NEDC Chief Executive Officer (CEO), said NEDC has had an Incubator Program for 20 years and since 2019, has created 764 jobs at an average annual salary of \$58,000. He said the incubator space on Asp Avenue burned down and the City purchased NEDC property on Asp Avenue to construct a parking lot. NEDC reinvested that money into their headquarters in Downtown Norman. He said each entity has six spaces and NEDC has been using four of the offices for the Incubator Program; however, NEDC will need the space for new employees soon and will need to find a new facility for the Incubator Program. He invited Council to the ribbon cutting for the new offices on March 23 and said an Economic Summit is scheduled the week of May 23. He said during the summit, NEDC would be discussing changing their model so the private sector will become more invested in the entrepreneur and incubator programs. He said NEDC's goal is to fill 135 new jobs within the first five years and will need marketing and accounting personnel as well as a manager for the facility. He said applications for entrepreneurship/incubator programs are available at www.selectnorman.com.

There was consensus among Council to move forward with a NEDC agreement.

Councilmember Holman said he would support additional funding to put directly into the hands of small businesses that may not need full support of an entrepreneurship or incubator program, but may need some small financial help for their business.

Items submitted for the record

1. PowerPoint presentation entitled, "ARPA Funds and Economic Development," City Council Study Session dated March 1, 2022

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Item 3, being:

DISCUSSION REGARDING A POTENTIAL BUYER FOR 718 NORTH PORTER AVENUE.

Mr. Pyle said the building located at 718 North Porter is currently owned by Norman Regional Health System (NRHS) and when City Council moved forward with the location on the NRHS Porter Campus for the new Senior Wellness facility it prompted a massive re-platting process. He said the City owned 11.2 acres on the Porter Campus and the goal was to retain enough acreage in the right spot on the new plat to develop the new Senior Wellness facility with additional acreage obtained by NRHS for cash. During that conversation, there was an opportunity for NRHS to give the City the building located at 718 North Porter for the appraised value leaving a small balance of cash for closing. Council agreed to the purchase of the property for potential uses that included warming shelter space, sobering center space, and potential incubator space. He said the real property transaction is in the hands of the title company. During this time, Staff was contacted by Cleveland County Commissioner Darry Stacy asking if Council might consider selling the building for utilization by the Cleveland County Health Department to provide clinic space. He said the estimated appraisal value is \$1.2 million and there is \$1.8 million in ARPA funds earmarked for remodeling of the building that could be used for other purposes. Mr. Pyle asked if there is consensus to sell the building to Cleveland County for its appraised value.

Councilmembers supported the sale of the building to Cleveland County.

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Item 4, being:

DISCUSSION REGARDING RELOCATION OF THE WARMING SHELTER.

Mr. Pyle said the current lease of the warming shelter on Comanche Street is ending and there is a possibility that the property owner may not be renew the lease. He spoke to Mr. Durand Crosby, Chief Operating Officer (COO) of the Oklahoma Department of Mental Health and Substance Abuse (ODMHS), regarding vacant buildings that may be available on Griffin Hospital (Griffin) property. Mr. Crosby said ODMHSA is very accustomed to this population on their campus and currently provides many services to warming shelter clients.

Mr. Crosby said three vacant buildings are in very poor shape with asbestos and lead-based paint and are not habitable. Mr. Pyle said Facility Maintenance employees inspected the space in the building and thought the space could be made habitable in a couple of weeks for less than \$10,000. He said the building is within walking distance of homeless services currently being provided by outside agencies and there is a private elementary school on Griffin property (Le Monde) near the location site. He said ODMHSA would like the City to provide the State a letter of how the space would be utilized including terms of the relationship.

Mr. Pyle said this is not a permanent solution; however, the City has a relationship of renting property from Griffin and would propose the same arrangement for the proposed building (\$1 per month), which would save \$4,000 per month currently paid for the lease on Comanche Street. He said the savings on the rent would allow the City to hire additional security officers for a total of three. He said Staff has exhausted all efforts to find another suitable location. He said the Gibbs

House on the Griffin property will be opened as a Day Resource Center by an existing State agency and would not involve the City.

Councilmember Tortorello said he initially supported the relocation of the warming shelter, but after talking with representatives of La Monde, he found out the proposal for a low-barrier shelter would jeopardize the schools Charter. He was told by school representatives that the school would have to close, shut down, or relocate so he cannot support the proposed location. He said school officials and parents are concerned about what happens when clients are released after 7:00 a.m. because they fear the homeless would be roaming the school's campus. He said the City needs further investigation of the consequences of using this location in close proximity to the school. Mr. Pyle said the City would review the school's Charter and incorporate that into the quest for solutions.

Councilmember Lynn said he would not support this location.

Councilmember Hall said she is interested in what the Legal Department has to say about laws related to Charter Schools and the homeless shelter location because she is assuming the City has already done their due diligence. Ms. Walker said Staff is researching that now and will forward their findings to Council.

Councilmember Hall asked if the City can transfer Emergency Solutions Grant funds to another location and Mr. Pyle said the potential solution is to reapply with the new address because it would be easier to award the remaining balance in a new request than to change the address on an existing request.

Councilmember Studley asked how many beds will be available and Mr. Pyle said 38 beds. Councilmember Studley said she would like to move forward with this location and reminded everyone that it is a temporary solution.

Mayor Clark said there is consensus to move forward with this location.

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Item 5, being:

DISCUSSION REGARDING UNIVERSITY BOULEVARD DRAINAGE IMPROVEMENTS.

Mr. Shawn O’Leary, Director of Public Works, said the Noun Hotel submitted an application for rezoning property on April 6, 2020; the Planning Commission approved the rezoning by a vote of five to three on May 14, 2020; First Reading of Ordinance O-1920-52 to have the subject property removed from the Center City Form Based Code (CCFBC) and placed in Center City Planned Unit Development (CCPUD) was held June 9, 2020; Ordinance O-1920-52 was approved by Council in a seven to two vote on July 14, 2020; Staff met with the developer and their engineer to discuss drainage issues on August 9, 2021; and Staff met with the developer and their engineer for further discussion regarding drainage issues on February 7, 2022.

Mr. O’Leary said there were more options in August 2021, than today because the hotel will be finished and open for business August 2022. He said the engineer did not come back with a proposed plan until six months after the August 2021, discussions.

The Noun Hotel has an 85% impervious area with Low Impact Development (LID) features to compensate for impervious areas that include in-ground detention, water quality chambers, bio-retention, oil and debris removal, and pervious pavers. The hotel’s stormwater system will connect to the storm sewer system on University Boulevard. The concern is that water is ponding in gutter lines during rain events on University Boulevard causing flooding of the street and the additional stormwater from the hotel will only add to the issue.

Mr. O’Leary highlighted options for City participation that include 1) Declaring an emergency under Article XII, Section Five - this is not an emergency necessary to protect health or safety; 2) Conventional design/bid/build – could not complete the improvements in timeframe necessary for completion of the hotel; 3) Center City Form Based Code Project Tax Increment Finance District – could not complete the improvements in timeframe necessary for completion of the hotel; and 4) a change order on an existing contract with Rudy Construction - would currently be the best option.

Mr. Scott Sturtz, City Engineer, said public stormwater system enhancements would need coordination with Noun Hotel in a shared stormwater pipeline system. The Noun Hotel project engineer prepared the engineering plans and work can be expedited using City forces and the current Porter/Acres Intersection contract. The Line Maintenance Division will perform water line relocation and a change order will be added to the contract with Rudy Construction for the Porter and Acres Intersection Improvements to install inlets and storm pipeline as well as repair streets, driveways, and curbs on University Boulevard. He said stormwater capital funds in an amount of \$195,533.80 might be used as well as utilizing surplus funds in the Lake Thunderbird Total Maximum Daily Load (TMDL) Monitoring Project.

There was consensus among Council to move forward with a change order.

Item 5, continued:

Items submitted for the record

1. PowerPoint presentation entitled, "University Boulevard Stormwater Improvements Noun Hotel," City Council Study Session dated March 1, 2022

The meeting was adjourned at 9:10 p.m.

ATTEST:



City Clerk



Mayor

