



CITY OF NORMAN, OK CITY COUNCIL STUDY SESSION

Municipal Building, Executive Conference Room, 201 West Gray, Norman,
OK 73069

Tuesday, October 03, 2023 at 5:30 PM

MINUTES

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Study Session in the Executive Conference Room of the Norman Municipal Building, on the 3rd day of October, 2023, at 5:30 p.m., and notice of the agenda of the meeting was posted at the Municipal Building at 201 West Gray and on the City website at least 24 hours prior to the beginning of the meeting.

CALL TO ORDER

Mayor Heikkila called the Meeting to Order at 5:30 p.m.

PRESENT

Mayor Larry Heikkila
Councilmember Ward 1 Austin Ball
Councilmember Ward 2 Lauren Schueler
Councilmember Ward 4 Helen Grant
Councilmember Ward 5 Michael Nash
Councilmember Ward 6 Elizabeth Foreman
Councilmember Ward 7 Stephen Holman
Councilmember Ward 8 Matthew Peacock

ABSENT

Councilmember Ward 3 Bree Montoya

AGENDA ITEMS

1. DISCUSSION REGARDING IMPROVEMENTS TO THE MAX WESTHEIMER AIRPORT AND ITS IMPACT ON WESTWOOD GOLF COURSE.

Ms. Kathryn Walker, City Attorney, said that Staff is working with the University of Oklahoma on several projects. The Jenkins Avenue Widening Project has property needs from the University of Oklahoma. The University of Oklahoma has an airport runway expansion project and they are undergoing a master planning process. These two projects have converged and will potentially impact Westwood Golf Course.

The Jenkins Project is part of the 2019 Transportation Bond, which included widening of Jenkins Avenue, eliminating traffic lights at Imhoff and Constitution and combining those into a roundabout that will be located next to the new softball stadium. During the property acquisition process for a federally funded project, appraisals of all of the

property that is required will be completed. This will be a starting point as negotiations begin with property owners. Several easements have come forward with the Jenkins project recently and there have been a number of claims settled where the Council authorized eminent domain. One last piece of University of Oklahoma property is needed and the appraised value has exceeded the project budget. The appraised value of this property is approximately \$4.1 million. Right of Way, Utility Easements, Temporary Construction Easements and Driveway Easements will be needed, which we do not typically pay for on these projects. Under the Constitution, the University of Oklahoma cannot donate property but they can show how the University would get value from it in ways other than money. In previous projects, this method has been utilized, but not with a project worth this much. It becomes more challenging to show how value is being exchanged when dealing with this amount of money.

The University of Oklahoma is looking at a runway extension for Max Westheimer Airport. Their plan would require extending their runway protection zone, which includes how the property is used. The University of Oklahoma anticipates utilizing federal funding with the assistance of Congressman Cole's office to acquire this funding. The type of airport this could lead to is exciting for the University and would certainly benefit Norman.

The FAA says that runway protection zones are to protect people and property on the ground. This is best achieved through airport owner control through fee simple ownership, sufficient interest through easements, deed restrictions, etc. The Land Use Control Authority, which we do not have here, it is a separate entity than the City, eminent domain and then permitting authority. The FAA wants to reduce, mitigate or eliminate any incompatible land uses by utilizing charts that show each possible land use. Golf Courses generally show light impact for the runway protection zone with certain protections in place. There is an impact but not as much as a lot of other land uses. This will show value to the University of Oklahoma and that's how this gets brought into the Jenkins project.

The drawing provided shows that the further out from the runway, the protection zone lessens and the closer you get to the runway the more protection they want. Westwood Golf Course would have approximately four fairways that would be impacted. We need to find a way to protect the Golf Course and find a way to be compatible with what the airport is going to require.

The initial proposal presented to Council on August 29, 2023, from the University of Oklahoma was for the City to deed the property to the University of Oklahoma and the University of Oklahoma would lease it back to the City for 50 years for one dollar a year so long as it remains a golf course and does not interfere with operation or development of the airport in the University of Oklahoma's discretion. Council did not feel comfortable with this language so the City proposed an aviation easement instead, it grants the right of flight in the air space above, the generation of noise and other impacts such as planes flying over and restricts the height of structures, including trees and other objects on properties. It also prohibits on the ground light hazards. The issue then becomes a matter of trees in the runway protection zone for the City. We don't have any structures in the runway protection zone of concern.

Item 1, continued

The University of Oklahoma has agreed that if the City will grant a perpetual aviation easement this would be a value of \$2,000,000. However, we are trying to reach four point one million dollars in value. If the FAA requires the title for the runway extension then the City of Norman would convey the property to the University of Oklahoma and the University of Oklahoma would lease it back to the City for 50 years for one dollar per year with an optional 50-year renewal. The language stating that the University of Oklahoma would have sole discretion whether any use would interfere with the airport would be removed. The City will construct the Jenkins Project by the Fall of 2026, barring some unknown issue or terrible weather and this would be valued at \$350,000 in the agreement. The roundabout design is something that the University is very much in favor of and that is valued at \$1,000,000. The remainder payment would be made to OU for acquisition of the property for approximately \$827,000 and within budget. If OU agrees then they would convey the land by October 15, 2023, which means that Council would have to approve the MOU by next Tuesday.

Ms. Walker indicated that it would come back to Council but it would be regarding the impact to the value of the land. Kathryn spoke with an FAA representative who is based out of Fort Worth and according to the FAA guidelines, the aviation easement should be sufficient but the FAA does prefer ownership. The FAA will provide more information regarding this before Council has to make a decision.

Ms. Walker said that OU has to submit their airport runway plan to the FAA and justify the need for the runway expansion. It will then go through several approvals in FAA to determine if they believe it is justified. If OU then gets the federal funding of approximately \$30 million they would begin the project. It sounds like it is several years away at the earliest. We hope that the aviation easement will be enough so we can file covenant so that this land can never be developed for anything other than park land.

Councilmember Schueler indicated that she is uneasy about voting on this because we will not know what the FAA is going to require before we vote on this issue.

City Attorney Walker suggested to Staff take the language out of the MOU that is the City's fall back plan for the lease. Then would have to come back for the lease agreement. We do not have that written out and negotiated yet.

City Attorney Walker indicated Council needs to be mindful of the deadlines for the Jenkins Project. Staff will work expeditiously as possible and keep everyone updated.

Items submitted for the record

1. PowerPoint entitled, "Possible Airport Improvements and Impacts," dated October 3, 2023

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2. DISCUSSION REGARDING CITY COUNCIL MEETING PROCEDURES FOR COUNCIL HANDBOOK.

Mayor Heikkila asked to discuss Miscellaneous Comments as it has degraded down to a yelling competition or an opportunity to take political stances rather than give us information about what needs to be done in their neighborhoods, etc. He said it is not working and by law Miscellaneous Discussion is not required. He said it is on the Agenda so the public can speak directly to Council, but there are many other opportunities such as email, phone calls, other meetings, etc. for this to happen. He suggested taking a year off from Miscellaneous Comments.

Councilmember Holman stated he would be hesitant to get rid of it completely. Some cities do this at the beginning of their meetings or at some other point in the meeting. He felt most of the people who speak have legitimate concerns and he would not want to get rid of this section due to a few people that take advantage. He indicated he is willing to think about this, but was not to the point of removing it altogether.

Councilmember Grant mentioned that at the last meeting that there were those that were breaking the rules. She wanted to know if there was a way to enforce something where an individual would get so many chances and then they would be banned from speaking? She said she would not want to give up this comment portion due to bad actors misusing this time. She has learned some things from the genuine people coming forward.

Mayor Heikkila said he could do that even though he detests gaveling. It is worth it in this case because it has gotten so out of hand. It is not business like, it is not orderly and it is spreading misinformation.

Councilmember Peacock stated that admittedly this has gotten out of hand, it has become personal even at times and that is uncalled for. However, it is the public's vehicle to air their grievances in a public forum. It is how the public has access to Council, not just through email, which is something that Council can choose to answer or ignore. He said in a public setting, Council is accountable to a certain degree.

Councilmember Schueler stated that having a forum for the public to come in person and speak is part of the public record. She said Council does not have offices at City Hall or office hours so it becomes challenging to have face time with constituents and these comments are a way for the constituents to have that time where they feel like they are being heard. It is agreed that it has gotten out of hand but I cannot imagine a world where we do not have this opportunity for our residents. Unfortunately, using the gavel is part of the Mayor or Chairman's job and we need to utilize this more often.

Mayor Heikkila stated that he has seen overuse of the gavel in an effort to silence people who are not saying what the Council wants to hear and this causes him to see this action as extremely rude, but realizes it is something he will have to do and get over his negative feelings about it.

City Attorney Walker stated Council may be able to limit the comments to just the topics on the agenda for that meeting, some cities do that.

Item 2, continued

Several Councilmembers stated that they want the comments to be able to be about things other than what is on the agenda because sometimes issues may not make it on the agenda but need to be addressed or heard by Council. However, they all agreed that personal attacks or addressing Council members individually should not be allowed.

Councilmember Holman stated that during his time on Council, all four Mayors have made adjustments to the public comment section of the meetings. It seems that the more Council tries to control this, the worse it has become and more heated from the public's viewpoint. When Council had their comment section at the end of the meeting, we could at least end the meeting on current events happening.

Councilmember Nash stated that since limiting the time for public comment was instituted, it has not improved anything except for keeping the total time taken for the meetings.

City Clerk, Brenda Hall stated that the online signup started back during COVID and when Council had Zoom meetings this allowed for residents to sign up more easily. The residents are now used to this method even though they may sign up for every item and then pass on most of the items when the time comes to speak.

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ADJOURNMENT

The meeting was adjourned at 6:28 p.m.

ATTEST:

City Clerk

Mayor